File No. AD 42 FGL 63

(P) 1

MYSORE GOVERNMENT SECRETARIAT

Notes/Correspondence/Collection

Department Agt Section Forest 'A'

Subject :— Release of an area of 40 acres out of fs no 525 & 526 of Kinapur village

Earlier References :—

Late References :—

Forest FD 4-2-63 24-1-64

(Classification A/B/C)

Notes Pages 6 8/3/63

Correspondence Pages 123

For/Not for section Note Book

To be destroyed after 8/3/83

B.S. Basappa
Under Secretary to Government.

A
1.4.04

Vatsala S.R.

Old file

CLASS D

NOTES

MYSORE GOVERNMENT SECRETARIAT

AFD 42 FGL-

File No. ~~AFD 328/6~~

Department of Agriculture & Forest Department.

Section Forest - B.

Subject: Release of an area of 40 acres out of F.S. No. 526 of Ainapur Village, Athani

References: Notings : 6
Correspdg. - 36. AFD-158-FGN65

Date	To whom sent	Notes and instructions

FILE FOR NOTE BOOK
UNDER SECRETARY

for Under Secretary to Govt.

11/5

Serial No.

No. B3-GFL-4134/62-63 of 25-1-1963 of the ccf

D. No. 945/63

1) pld in for perusal. In view of the report furnished by the ccf, we may however reject the request of the Applicant, with the directions that as far as S. No. 36 is concerned, he may approach TRD in the matter

for order.

DR

4/62

Agriculture & Forest Dept.
(ForestSection)
=====

2) The applicants being Harijans of Krishna-Kittur Village of Athani Taluka have requested for the grant of forest lands in S.Nos. 525,527,526 and 333 of Ainapur and S.No. 36 of Katral of Athani Taluka for fruit cultivation purposes. The reports of the C.C.F., Conservator of Forests, and D.F.O. are at pages 11 to 15 of c/f are for kind perusal. There is no uniformity

Note.—Contn. Sheet

Serial No.

in the recommendations of these officers. The C.C.F. is not for this grant on account of the following reasons:-

i) The Village Panchayat Committee is objecting to the grant on account of insufficiency of grazing area for the cattle of the village;

ii) On account of flood water of Krishna River during rainy season, no fruit cultivation can be grown on such lands; and

iii) In view of few babul trees standing in the area, the department can itself raise babul trees on such areas.

3

Out of the area asked for, it is seen from the reports that F.S.Nos. 527 and 333 of Ainapur are not available for grant since they have already been assigned to rehabilitate the displaced persons of Telsang. The F.S.No. 36 of Katral being the revenue area, it is not under the control of Forest Dept. Leaving these, the remaining S.Nos. 525 and 526 cover an area of 40 acres and the C.C.F. has stated that on an average there are 10 babul trees per acre in this land. The D.F.O. has suggested that this area may be given to the applicants on H.L.basis provided they fulfil the following conditions:-

a) the applicants persuade the Grama Panchayat Committee, Ainapur to withdraw their objectionsk;

b) they form a co-operative tenant farming Society; and

c) they agree to plant only plant fruit yielding trees such as Citrus species, Mango, plantains and Pappai etc. but not for any agricultural crop.

A

Since there is difference of opinion regarding this grant among the Forest officers themselves, it would be, perhaps, useful to decide this factor after spot inspection by the Hon'ble Minister. The applicants

Mysore Government Secretariat

File No. A BD 3285/62 of 196

[App. F. III 2

Serial No.

being poor Harijans, it would certainly be useful if this land is given to them in order to ameliorate their conditions. It is since learnt that these people have registered themselves into an Association viz: Harijan Seva Sangh mainly pertaining for taking up this work in case the Government accords sanction to their request.

4) There may not be any objection to grant the request of petitioners if this land is not useful for the afforestation purposes of the Department and if it can be conveniently be released to Harijans on the conditions suggested by the D.F.O.

(T.S.Ramaiya) 8/2/63
Under Secy.A&FD

~~DY. SECY. (A&FD)~~

SECRETARY (A&FD)

Minister for Forests

5) The work by the D.F.O. is for his perusal. Since this a Question of releasing 4 O, acres of land to a Cooperative Society for the benefit of Harijans, the same may be granted by Govt. agreeing with the D.F.O as per 'A' in para 3 above. For kind orders.

12.2

Secy (Ax1)

V. C. HOMBALAYYA,
Secretary to Government,
Agriculture & Forest Department.

M (Forests)

6) This is a case in which the release of S.No.525 and 526 in forest area in Ainapur village, Athani Taluka has been asked by the Harijans for raising

DEPUTY SECRETARY TO GOVT. 12 FEB 1963 AGRICULTURE & FOREST DEPT.
AGRICULTURE & FOREST SECRETARY 766 12 FEB 1963 GOVERNMENT OF MYSORE
MINISTER FOR FORESTS & FISHERIES F. 435/63 14 FEB 1963 BANGALORE

Note—Contn. Sheet No.

Serial No.

fruit trees. The Divisional Forest Officer, Gokak Division, who has gone into this question in detail reports that this is an isolated piece of land surrounded on all sides by agricultural lands and that as it is situated at a distance of 15 miles from Athani, the forest staff find it difficult to manage and maintain this bit of land, the extent of which is only 40 acres. If a forest land, in the opinion of the local Forest Officer, cannot be effectively managed, better use of the same by local people who have come forward to raise fruit cultivation should be the only course open. The Village Panchayet has raised an objection to the release of the land to the Harijans on the ground that this land is required by them for raising farm forestry. It may be mentioned in this connection that the Secretary, D.C.C. Belgaum who has seen the pathetic living conditions of these neglected people has recommended for the release of this land so that their economic conditions might be improved. I am of the view that the prosperity of the village is entirely dependent upon the prosperity of the down-trodden people whose living conditions are stated to be deplorable. The policy of the Government is to create condition in which the weaker sections of the society should lead an honourable life by bettering their living conditions. The release of this bit of land (40 acres) in favour of Harijans for raising fruit trees on co-operative basis will certainly tend to improve their economic conditions and pave the way for their leading

Serial No.

an honourable life. The interests of the village will be better served by releasing the land in favour of the harijans instead of for farm forestry.

7 435/63

7) In the above circumstances, forest land in S.Nos.525 and 526 to the extent of 40 acres in Ainapur village, Athani Taluk may be released in favour of the Harijans of Krishna Kithur village, Athani Taluk, on the following conditions:-

1. The Harijans should form a co-operative Tenant Farming Society which should be got registered.
2. They plant up only fruit trees.

B. Rachaiah 21/2/63
Minister for Forests & Fisheries.

AGRICULTURE & FOREST SECRETARY 766 21 FEB 1963 GOVERNMENT OF MYSORE

Secretary to Government,
Agri. & Forests Deptts.)

21.2

8) 21/2/63 Draft G.O. releasing an area of 40 acres in favour of the Harijans of Krishna Kithur village on H.L. basis is put up.

OR
22/2 (9) Draft G.O. as revised may be approved.

DS
~~Secy~~

23/2/63
9) Issue and put up for Secy's perusal.
23.2

Note.—Contn. Sheet

AFD 42 FBR 638

File No. AFD 42 FBR of 1963

Mysore Government Secretariat

Serial No.

(10) As directed, an Endt., to the party is put up.

DR
23/2

(11) Issued resubmit.

JR
23/2/63

F.O. & Draft letter issued on 25 FEB 1963

25/2

(12) Resubmitted as desired vide para 11 n/7.

DR
25/2

25/2

D.S.

2/3/63

Seen

V. M. LDIGAH,
Deputy Secretary,
Agriculture and Forest Department.

Seen
7.3

7.3

7/3/63

DEPUTY SECRETARY TO GOVT. AGRICULTURE & FORESTS DEPTT. NO. 1289 2 - MAR 1963

AGRICULTURE & FORESTS SECT. No. 1129 4 - MAR 1963 GOVERNMENT OF MYSORE

B
6/3/63

9 11

No. B3-GFL-4134/62-63.
Encls Two + application.

Office of the Chief Conservator of Forests in Mysore, Bangalore,
Dated 25 January 1963.

MYSORE GOVT. SECRETARIAT
21
29 JAN 1963
DEPT. (TAPPAL SECTION)

To

The Secretary to Government,
Agriculture & Forest Department,
Bangalore.

Sir,

Sub:-Grant of Forest lands in S.Nos 525,527,526, 333 of Ainapur and S.No.36 of Katral, Athani Taluka for cultivation.

Ref:-Your memo No. AFD 3285/62 dated 7-5-1962.

I enclose herewith a copy of letter No. FOP/GFL/GK/406/62-62 dated 9-1-63 from the Conservator of Forests, Belgaum Circle, along with its accompaniment on the above subject for perusal.

MYSORE GOVERNMENT SECRETARIAT
NO. 745/63
30 JAN 1963
3285/62
FOREST BRANCH

The F.SNos 527 and 333 of Ainapur are not available for grant. The SNo. 36 of Katral is reported to be Revenue waste S.No. Hence the views of the Revenue Department may be obtained regarding the release of this S.nos. The other two F.SNos 525 and 526 of Ainapur proposed for grant to the applicants for planting fruit trees contain fair treegrowth of Babul, on average of 10 trees per acre. The village panchayat Committee is objecting the grant of these SNos in view of the fact that there is insufficient grazing area for the cattle of the village. Further, the area remains in flood water of the Krishna River during rainy season and no fruit trees can be grown on such lands which are submerged for part of the year. More over this Department itself can undertake the task of growing babul trees on such areas.

The application is returned herewith.

Yours faithfully,

Chief Conservator of Forests.

kes/

10 13

No.FOP/GFL/GK/406/62-63.

Office of the
Conservator of Forests
Belgaum Circle.

Belgaum, 9 January, 1963.

To

The Chief Conservator of Forests
in Mysore, BANGALORE.

Sir,

Sub: Grant of forest lands in S.No. 525, 527, 526 and 333 of Ainapur and S.No.36 of Katral Athani Taluka for cultivation.

Ref: Your No.B3-GFL/4134/62-63 of 14/16-5-62.

I am submitting herewith the applications dated 23-4-1962 of the Harijans of Krishna Kittur along with the letter No.FOP/GFL/16/17 of 16/17-12-1962 of the Divisional Forest Officer, Ghatprabha Dn., Gokak along with the case papers for favour of perusal. Enquiry reveals that S.Nos. 36 of Katral is a R.W. S.No. and hence no remarks could be oferred. S.No. 333 and 527 of Ainapur are not available. The extent of the remaining F.S.Nos. 525 and 526 of Ainapur is 40 acres and the Divisional Forest Officer, Ghatprabha Dn. Gokak has recommended to grant the land on H.L. basis to the applicants who have come forward to take up the same for planting fruit trees, on the following conditions:-

i) The V.P.C. Ainapur should withdraw its objections.

ii) The applicants should form a co-op. Tenant Farming Society, which should be got registered.

iii) They plant up only fruit trees.

3. It is further revealed that the above S.Nos. were applied for in thepast by the following and their request was refused.

By whom applied.	Remarks.
i) Chairman Backward Class Tenant Co-op Farming Society, Ainapur. ii) Request of Harijans of Krishna Kittur (present applicants)	Kindly vide your No. B3-L-Dis-59 of 4-8-1961 forwarding copy of Govt. letter No. AFD 137 FGL 60 of 18-7-1961.
iii) Request of Shri S.P. Talawalkar, M.L.A. Raibag for grant of land to 100 Harijans families.	- Do -

P.T.O.

14

11

Enquiry also reveals that :-

a) The two S.Nos. contain fair treegrowth of Babul on average of 10 trees per acres.

b) Grazing position is not satisfactory .

c) V.P.C. is objecting, as there is no sufficient grazing area for the cattle of the village.

d) The area remains in flood water of the Krishna River during rainy season.

3. In view of the above and in view of the fact that the perventage of Forest to land area in Athani taluka is only 0.47 and for the whole District it is 14.03. Orders as deemed fit may kindly be obtained from the Government and communicated.

Yours faithfully,

C.Jayaram Reddy

(C.Jayaram Reddy)
CONSERVATOR OF FORESTS,
BELGAUM CIRCLE.

Copy to the Divisional Forest Officer, Ghatprabha Dn. Gokak.

Further orders may please be awaited.

12 15

Subject:-Grant of Forest land in S.No.525,526, and 527 and 333 of Ainapur , F.S.No.36 of Katral ~~of~~ in Athani Taluka for fruit tree planting.

No. FOP/GFL/16/17 of 1962-63. Gokak 16-12-1962.

To

The Conservator of Forest,
B.C.,Belgaum.

Sir,

Reference:- Your No. FOP/GFL/BGM/406 of 3-6-1962.

On enquiry through the R.F.O.,Raibag , it is reported that the Sy.No. 36 of Katral is not a forest land but ~~it~~ is a Revenue waste , as such the Rev. Deptt. may please be referred to in the matter.

2. It is further reported that the S.No.333 of Ainapur has already been assinged to rehabilitate the displaced persons of Telsang as per Government in A.& F.D No. AFD/20/FAF/61 of 23-5-1961 and a part thereof has been granted to ~~to~~ Shri R.S.Khot of Hubli as per G.O. No.RD/34/LGW/58 of 23-12-1958. The Sy.No.527 of Ainapur, which contains good treegrowth has been taken up for Farm forestry work by the Gram Panchayat Committee Ainapur. Therefore the above three Sy.Nos. are out question.

3. As regards the Sy.Nos. 525 and 526 of Ainapur, it is reported that it is a Reserved forest, measuring 40-00 acres. The applicants have asked the land for fruit ~~plan~~ tree planting. The area contains sparce treegrowth and is inundated during Rainy season by Krishna floods. The S.Nos. are surrounded by Agricultural lands belonging to Malkidars and is an isolated piece of land and is 15 miles away from Athani and is diffficult to manage and control ~~by the~~ the same by the staff stationed at Athani. The area appears to be suitable for fruit tree planting. The applicants have promised to form a Co- operative Tenant Farming Society. The area was formerly refused to be granted for cultivation as per your No.FOP/GFL/929/94 of 23-8-1961. ~~However~~ There is also objection from the G.P.C.Ainapur , who want it for constituting the area as villlage forests.

4. ~~Therefore~~ However the area may be given to the applicants on H.L. provided -

(i) The applicants persuade the G.P.C.Ainapur to withdraw their objections

(ii) they form a copperative tenant farming Society.

(iii) they only plant fruit yielding trees such as Citrus speeis, Mango, plantains and Pappai etc, as applied for but <u>not for any agricultral crop</u> <u>wither cash or food</u>, which would be against the basis of their application.

The R.F.O's report and enquiry papers along with the accompanyment sent under the above reference are resubmitted herewith.

Pages 1 to 46 accompany

Yours faithfully,

S.V. Gudwadi

(S.V. Gudwadi)
Divl.Forest Officer,Gokak.

M. G. S. App. F VI—G. 2]

13 17

SUBJECT Release of an area of 40 Acres out of F.S. nos. 525 & 526 in Ainapur Village, Athani Tq., for being given the Harijans of Krishna Kittur village on Hamgani lease for fruit cultivation

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the 196 .

Date of issue.....196

Signed by.....

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Section

Serial No.

File No.

Proceedings of the Government of Mysore

Read— ~~Repn. from the Harijans of Krishna Kittur Athani Tq, to Govt~~

2) Letter no. B3 LNF L-4134/62-63 of 25-1-63 of the C.C.F.

NO. AFD 5 Feb 63 of

Order thereon.

order:

The Harijans of Krishna Kittur Athani Tq, have

required for grant of land in S.nos. 525, 527, 526, 333 of Ainapur & S.no. 36 of Katral, Athani Tq., for purposes of cultivation.

The C.C.f. in his letter of 25-1-63 has reported that the Village Panchayat is objecting the grant of the S.nos., in view of the fact that there is insufficient grazing area for the cattle of the ~~atc~~ Village. Also, the C.C.f. feels, since ~~that~~ the area remains in flood water of the Krishna River during rainy season no fruit

List of Enclosures.
Copied by
Examined by

M. G. S. App. F VI—G. 2]

15 19

SUBJECT.....

Diary No. of letter replied to.....

Section

Serial No.

File No.

Mysore Government Secretariat

( )

the 196 .

Date of issue.....196 .

Signed by.....

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(iv) translated?
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(vi) published in the Gazette, Kannada Part?

Proceedings of the Government of Mysore

Read

trees can be grown on such lands which are submerged for part of the year

After careful considering the requests of the Harijans of Krishnakittur village, Athani village, Gov are pleased to order the release of an Area

Order thereon.

of 40 Acres out of
F.S. No. 525 + 526
of Himapur village,
Athani Tq. for
being given to the
Harijans of Krishna
Kithur village, Athani
Tq., on H.L. basis
with the usual terms
& conditions, as are
in vogue & with the
following condition
a) The Harijans should
form a co-operative
Tenant Farming Society
which should be got
registered.
b) The Harijans should
plant only fruit trees.
& the grantees
violate the terms of the

List of Enclosures.
Copied by
Examined by
WD 09414—CPB—PZS—1,00,000—31-3-61

M. G. S. App. F VI—G. 2]

17 '21

SUBJECT.....

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the 196 .

Date of issue.....196 .

Signed by.....

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Section

Serial No.

File No.

Proceedings of the Government of Mysore

Read grant, the lease may be cancelled & the land resumed to Govt.

Order thereon. No. C C F is directed to take further action in the matter.

B.O. etc

U/S A77

CCF (with Repn.)
C.F., Bgm
R.D.

U/S

/Draft Govt. Order for approval/

18 23

Release of an area of 40 acres out of F.S.No.525 and 526 of Ainapur village, Athani Taluk, for being given to the Harijans of Krishna Kithur village on Hangami lease for fruit cultivation.

====

PROCEEDINGS OF THE GOVT. OF MYSORE

===

ORDER NO. AFD 42 FGL 63

Bangalore: Dated

READ:

Letter No. B3.GFC-4134/62-63 dated 25-1-1963 of the Chief Conservator of Forests in Mysore, Bangalore, forwarding a report on the representation of Harijans of Krishna Kithur, Athani Taluka to the release of forest land in S.Nos. 525 and 526 of Ainapur for fruit cultivation.

ORDER:

After examining the representation of the Harijans of Krishna Kithur, Athani Taluka, the C.C.F. has stated that out of the areas desired by the said Harijans only S.Nos. 525 and 526 of Ainapur are in the forest area and the other S.Nos. viz: 527, 338 having already been disposed of are not available at present and S.No. 36 of Katral is also outside the jurisdiction of the Forest Department. The C.C.F. is not recommending the case on the ground that it has got on an average 10 babul trees per acre and on the ground the Village Panchayat Committee is objecting to the grant in view of the insufficient grazing area for the cattle of the villagers. But on close examination of the report of D.F.O. Gokak Division, it is noticed that this area is an isolated piece of land surrounding on all sides by agricultural lands and is situated at a distance of 15 miles from Athani making it difficult for the forest staff themselves to manage and

....2

maintain this bit of land satisfactorily. Taking ~~this~~ into consideration the living conditions of the Harijans who have applied for this piece of land and in order to alleviate their conditions, it is found necessary to release this land of 40 acres in favour of the Harijans for raising fruit trees on co-operative basis which will certainly tend to improve their economical conditions and pave the way for their leading an honourable life.

After taking all these ~~things~~ facts into consideration, sanction is accorded to the release of an area of 40 acres of forest land in S.Nos. 525 and 526 of Ainapur village, Athani Taluka in favour of the Harijans of Krishna Kithur village on Hangami Lagan basis on the following conditions:-

1) The Harijans should form a Co-operative Tenancy Farming Society which should be got registered; and

2) They should plant only fruit trees.

If the grantees viloate the terms of the above conditions, the lease may be cancelled and the land resumed to Government.

The C.C.F. is directed to take further action in the matter.

By Order and in the name of the
Governor of Mysore,

JSR 23/2/63

Under Secy.A&FD.

OR 23/2

To

The C.C.F. (with representation)
The C.F.,Belgaum
The R.D.
Weekly Gazette.

RN.

~~Copy to Secy. Copy to Harijana Seva Sangha~~

Copy to D.F.O, Gokak Division, Belgaum for information.

20 27.

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

SUBJECT:- Release of an area of 40 acres out of F.S. No.525 and 526 of Ainapur Village, Athani Taluk, for being given to the Harijans of Krishna Kithur Village on Mangani lease for fruit cultivation.

R E A D:

Letter No.B3. GFC-4134/62-63 dated 25-1-1963 of the Chief Conservator of Forests in Mysore, Bangalore, forwarding a report on the representation of Harijans of Krishna Kithur, Athani Taluk to the release of forest land in S.Nos. 525 and 526 of Ainapur for fruit cultivation.

ORDER No. AFD 42 FGL 63

BANGALORE, DATED, THE 23RD FEBRUARY 1963.

After examining the representation of the Harijans of Krishna Kithur, Athani Taluka, the Chief Conservator of Forests, has stated that out of the areas desired by the said Harijans only Survey Nos. 525 and 526 of Ainapur are in the forest area and the other Survey Nos. Viz. 527, 333 having already been disposed of are not available at present and Survey No.36 of Katral is also outside the jurisdiction of the Forest Department. The Chief Conservator of Forests is not recommending the case on the ground that it has got on an average 10 babul trees per acre and on the ground the Village Panchayat Committee is objecting to the grant in view of the insufficient grazing area for the cattle of the villagers. But on close examination of the report of the District Forest Officer, Gokak Division, it is noticed that this area is an isolated piece of land surrounding on all sides by agricultural lands and is situated at a distance of 15 miles from Athani making it difficult for the forest staff themselves to manage and maintain this bit of land satisfactorily. Taking into consideration the living conditions of the Harijans who have applied for this piece of land and in order to alleviate their conditions, it is found necessary to release this land of 40 acres in favour of the Harijans for raising fruit trees on co-operative basis which will certainly tend to improve their economic conditions and pave the way for their leading an honourable life.

After taking all these facts into consideration, sanction is accorded to the release of an area of 40 acres of forest land in Survey Nos. 525 and 526 of Ainapur village, Athani Taluka in favour of the Harijans of Krishna Kithur village of Mangani Lagan basis on the following conditions:-

1) The Harijans should form a Co-operative Tenancy Farming Society, which should be got registered; and

2) They should plant only fruit trees.

If the grantees violate the terms of the above conditions, the lease may be cancelled and the land resumed to Government.

The Chief Conservator of Forest is directed to take further action in the matter.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MYSORE,

T.S. Ramaiya

(T.S. Ramaiya),
Under Secretary to Government,
Agriculture and Forest Departments.

PTO

26.

21

To

The Chief Conservator of Forests, Bangalore (with representation)
The Chief Conservator of Forests, Belgaum.
The Revenue Department.
Weekly Gazette.

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

SUBJECT:- Release of an area of 40 acres out of F.S. No.525 and 526 of Ainapur Village, Athani Taluk, for being given to the Harijans of Krishna Kithur Village on Hangami lease for fruit cultivation.

R E A D:

Letter No.B3. GFC-134/62-63 dated 25-1-1963 of the Chief Conservator of Forests in Mysore, Bangalore, forwarding a report on the representation of Harijans of Krishna Kithur, Athani Taluk to the release of forest land in S.Nos. 525 and 526 of Ainapur for fruit cultivation.

ORDER No. AFD 42 FGL 63

BANGALORE, DATED, THE 23RD FEBRUARY 1963.

After examining the representation of the Harijans of Krishna Kithur, Athani Taluka, the Chief Conservator of Forests, has stated that out of the areas desired by the said Harijans only Survey Nos. 525 and 526 of Ainapur are in the forest area and the other Survey Nos. Viz. 527, 333 having already been disposed of are not available at present and Survey No.36 of Katral is also outside the jurisdiction of the Forest Department. The Chief Conservator of Forests is not recommending the case on the ground that it has got on an average 10 babul trees per acre and on the ground the Village Panchayat Committee is objecting to the grant in view of the insufficient grazing area for the cattle of the villagers. But on close examination of the report of the District Forest Officer, Gokak Division, it is noticed that this area is an isolated piece of land surrounding on all sides by agricultural lands and is situated at a distance of 15 miles from Athani making it difficult for the forest staff themselves to manage and maintain this bit of land satisfactorily. Taking into consideration the living conditions of the Harijans who have applied for this piece of land and in order to alleviate their conditions, it is found necessary to release this land of 40 acres in favour of the Harijans for raising fruit trees on co-operative basis which will certainly tend to improve their economic conditions and pave the way for their leading an honourable life.

After taking all these facts into consideration, sanction is accorded to the release of an area of 40 acres of forest land in Survey Nos. 525 and 526 of Ainapur village, Athani Taluka in favour of the Harijans of Krishna Kithur village of Hangami Lagan basis on the following conditions:-

1) The Harijans should form a Co-operative Tenancy Farming Society, which should be got registered; and

2) They should plant only fruit trees.

If the grantees violate the terms of the above conditions, the lease may be cancelled and the land resumed to Government.

The Chief Conservator of Forest is directed to take further action in the matter.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MYSORE,

T.S. Ramaiya
(T.S. Ramaiya),
Under Secretary to Government,
Agriculture and Forest Departments.

PTO

30

23

To

The Chief Conservator of Forests, Bangalore (with representation)
The Chief Conservator of Forests, Belgaum.
The Revenue Department.
Weekly Gazette.

24 31

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

SUBJECT:- Release of an area of 40 acres out of F.S. No.525 and 526 of Ainapur Village, Athani Taluk, for being given to the Harijans of Krishna Kithur village on Hangami lease for fruit cultivation.

O/C

R E A D:

Letter No.B3.GFC-4134/62-63 dated 25-1-1963 of the Chief Conservator of Forests in Mysore, Bangalore, forwarding a report on the representation of Harijans of Krishna Kithur, Athani Taluk to the release of forest land in S.Nos. 525 and 526 of Ainapur for fruit cultivation.

ORDER No. AFD 42 FGL 63

BANGALORE, DATED, the 23rd FEBRUARY 1963.

After examining the representation of the Harijans of Krishna Kithur, Athani Taluka, the Chief Conservator of Forests, has stated that out of the areas desired by the said Harijans only Survey Nos. 525 and 526 of Ainapur are in the forest area and the other Survey Nos. Viz. 527, 333 having already been disposed of are not available at present and Survey No.36 of Katral is also outside the jurisdiction of the Forest Department. The Chief Conservator of Forests is not recommending the case on the ground that it has got on an average 10 babul trees per acre and on the ground the Village Panchayat Committee is objecting to the grant in view of the insufficient grazing area for the cattle of the villagers. But on close examination of the report of the District Forest Officer, Gokak Division, it is noticed that this area is an isolated piece of land surrounding on all sides by agricultural lands and is situated at a distance of 15 miles from Athani making it difficult for the forest staff themselves to manage and maintain this bit of land satisfactorily Taking into consideration the living conditions of the Harijans who have applied for this piece of land and in order to alleviate their conditions, it is found necessary to release this land of 40 acres in favour of the Harijans for raising fruit trees on co-operative basis which will certainly tend to improve their economic conditions and pave the way for their leading an honourable life.

After taking all these facts into consideration, sanction is accorded to the release of an area of 40 acres of forest land in Survey Nos. 525 and 526 of Ainapur village, Athani Taluka in -- favour of the Harijans of Krishna Kithur village of Hangami Lagan basis on the following conditions:-

1) The Harijans should form a Co-operative Tenancy Farming Society, which should be got registered; a n d

2) They should plant only fruit trees.

If the grantees violate the terms of the above conditions, the lease may be cancelled and the land resumed to Government.

The Chief Conservator of Forest is directed to take further action in the matter.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MYSORE

J. S. Ramaiya

(T.S. Ramaiya)
Under Secretary to Government,
Agriculture and Forest Departments.

P.T.

32

25

To

The Chief Conservator of Forests, Bangalore (with representation

The Chief Conservator of Forests, Belgaum.

The Revenue Department.

Weekly Gazette.

Copy to District Forest Officer, Gokak Division, Belgaum, Belgaum District for information.

O/C

26 35

GOVERNMENT OF MYSORE

No. ~~AFD 42 FGL 63~~
AFD 82 FGL 63

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 23rd Feb. *196* 3.

FROM

Under *Secretary to the Government of Mysore,*

To,

Shri. Bhima Siddappa Kambley & others,
Krishna Kethur, Taluka Athini, District Belgaum,
Camp: BANGALORE.

ENDORSEMENT.

With reference to the representation of Sri. Bhima Siddappa Kambley and others of Krishna Kethur, Taluka Athini, District Belgaum, they are hereby informed that Government have been pleased to sanction an extent of 40 Acres of land in Survey Nos. 525 and 526 on certain conditions for fruit cultivation purposes. They are further directed to approach the Chief Conservator of Forests, Bangalore, in this behalf.

T. S. Ramaiya
(T. S. Ramaiya)
Under Secretary to Government,
Agriculture and Forest Departments.

Copy to ~~Shri~~ The Chief Conservator of Forests, Bangalore, for information and needful action.

Phs. 4/-

Mysore Government Secretariat

AFD File No. 42 FGL of 1963. 11 [App.-F. III 2

Serial No.

S. No. 1649 -: letter from Secretary Krishna Kitter S.S. Basaya Singh, Krishna Kitter.

(2) Minutes of M. Fts.

"Both the parties will have to be heard before a decision is taken. A date may be fixed and both parties are given chance to put forth their views in the last week of April 64."

(3) P.S. to ~~suggest~~ M-Ft. may be requested to suggest a date convenient in the last week of April.

6.4.64. 4) Please put up the connected references indicated in the P.U.

7/4/64.

(T. S. [illegible])

Note.—Contn. Sheet

P.T.O.

28

Mysore Government Secretariat

File No. 42 PEQ 63 (II Sup) of 196

Serial No. 5

The main file is with the LD since 30-8-63. Supplimented file is placed below.

Vide para 11 of the file put up below

8.4.64

P.S to Minister for Forests for indicating a suitable date & time for the hearing by the Hon'ble Minister for Forests (Ref to Para 10 of N.7.

JRR 8/4/64

(T. S. RAMAIYA)
Under Secretary to Government,
Agriculture & Forest Department.

(6)

OFFICE OF THE MINISTER FOR FORESTS & FISHERIES
No. F. 903/64
9 APR 1964
BANGALORE.

20/4/64 is convenient (at 3 p.m.)

U.S. (Forests)

10/4/64

Private Secretary to the Minister for Forests, Fisheries and Sericulture.

(7)

XYY

10/4/64

Draft letter is put up for approval. (P.3 (F))

10-4-64.

(8)

Issue today

JRR 13/4/64

(T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Department.

(9)

WD-010154—GPB—PZS—8,00,000—1-10-61

ISSUED

Date 13/4/1964

Mysore Government Secretariat

[App. F. III 2

AFD File No. 42 FGL of 1963 - Sup II

Serial No.

10 L.D. may be requested to return the main file No AFD 42 FGL63 which has been referred to them on 30-8-63.

14/4/64

LD for immediate compliance pl.

14/4

11) 14/4/64
(T. S. RAMAIYA)
Secretary to Government
Agriculture & Forest Departments

XXX Sri. NCL

MYSORE GOVT. SECRETARIAT
No. 623
14 APR 1964
LAW DEPT (REGISTRARY)

15/4/64

12) Returned as desired.

13) 20th being a partial holiday not convenient to Hinders, the case may be fixed for hearing on 24th at 3 pm

15/4
P.A. to M.F.R.

14) Draft Telegram to parties is put up for approval

ISSUED
17-4-1964

16) Issue today 17/4/64
(T. S. RAMAIYA)
Secretary to Government
Agriculture & Forest Departments

Note.—Contn. Sheet

Grant of Forest land 40 acres out of F.S. No. 525 & 526 of Rintpur village

30

AFD File No. 42 FGL 63 of 196 (II)

Mysore Government Secretariat

A&F Dept.-Forest 'B' Section

Serial No.

16

On the petition of the Secretary, The Krishna Kithur Sahakari Samudhayak Besaya Sangha, the Minister for Forests has been pleased to order as follows:-

"Both the parties will have to be heard before a decision is to be taken. A date may be fixed and both parties are given chances to put forth their views in the last week of April 1964.

Intd. B.R.
26/3/64."

17

Accordingly, the parties have been intimated ~~the~~ to interview the Hon'ble Minister for Forests at 3 p.m. on 24th April 1964. A short note indicating the position is placed below for kind perusal also. If agreed to, the file will be forwarded to the P.S. to the Minister for Forests to make it available to the Minister at the appropriate time.

F. 1004/64

DEPUTY SECRETARY TO GOVT. AGRICULTURE & FOREST DEPT. 1 APR 1964

21/4/64
(T.S.Ramaiya)
Under Secy.,A&FD.

21.4
V. M. KRISHNAN,
Deputy Secretary,
Agriculture and Forest Departments.

DY.SECY.(A&FD)

SECRETARY (A&FD)

For kind perusal
21.4

AGRICULTURE & FOREST DEPT. 2543 1 APR 1964

P.S.TO THE MINISTER FOR FORESTS

22/4/64

18 Hearing date 24-4-64 at 3.P.M.

Grant of Forest land in Aimpen village. 31

Mysore Government Secretariat

AFD File No. 42 FGL of 1963 .II

[App. F. III 2

Serial No.

A&F Dept.-Forest 'B' Section

The hearing is postponed to 30.4.64.

20) As ordered on the PUD, Draft and fair notices to the parties, dictated may issue by Regd.Post to-day.

25/4/64
(T.S.Ramaiya)
Under Secy.,A&FD.

ISSUED

Date.....25/4/1964

21) Resubmitted after issue.

25/4/64

27/4

Hg. date 30-4-64 at 3-P-M

(22) P.S. to the Minister for Forests

27/4/64
(T. S. RAMAIYA),
Under Secretary to Government
Agriculture & Forest Dept.

(23) This may be taken up on 4-5-64 at 3 P.M. since I will not be in the Head quarters in the afternoon.

30-4-64
B. RACHAIAH,
Minister for Forests,
Fisheries and Sericulture.

U.S. (Forests)

(24) Please put drafts & have them issued today

30/4/64
(T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Dept.

30/4/64

Note.—Contn. Sheet

SECRETARY TO GOVT. AGRICULTURE & FOREST DEPT. 3678 1964

OFFICE OF THE MINISTER FOR FORESTS & FISHERIES No. F.10.64/6 APR 1964 BANGALORE.

32

Mysore Governm
Secretariat

File No. ARD 42 RGLGS of 196 .

	Serial No.
Draft ~~to~~ fair letter is put up for approval.	25
Issue today JSR 30/4/64 (T. S. RAMAIYA), Under Secretary to Government, Agriculture & Forest Departments. ISSUED Date 30/4/1964.	
This may now be sent to P.S. to Ministers. P.S to the Ministers for Freshs. JSR 4/5/64. (T. S. RAMAIYA), Under Secretary to Government, Agriculture & Forest Departments.	26) Hg at 3 P.M today.
Party was called and heard. The letter mentioned in the memo filed by the Advocate for the ~~Village~~ Town panchayat may be obtained. Adalat may then give after letter receipt. JSR 4-5-64	27) Sri C.R. Subbiah JSR 4/5/64

WD-010154—GPB—PZS—8,00,000—1-10-61

Mysore Government Secretariat

File No. AD 42 FOR 63 (Sup-II) of 196 [App. F. III 2

33

	Serial No.	
27 n/7		2.8) w/r to the minutes of the m(7), a fr letter to the cef is put up.
		CR 575 Mo 6/5
		Issue JR 6/5/64
		(T. R. RAMAIYA), Under Secretary to Government, Agriculture & Forest Department. ISSUED Date 7-5-1964

Note.—Contn. Sheet

Mysore Government Secretariat

Grant of Forest land 40 acres in favour of the Krishna Kittur Sahakari

AFD File No. 42 F III of 1963. (Sup) [App. F. III 2

34

	Serial No.	
29 C/7		R. No. 4083/64.
		Repn of the General Secy. The Krishna Kitur Sahakari Samudhayak Besaya Sangha, Athani presented to the M(7) Minutes of M(7) –
		'S. A & F. may be fixed for hearing on 11th Sept., at 3 P.M. Id/- B.R. 24/8/64.
	29)	Pl. see also the minutes of the M(7) vide para 27 n/7. Govt. in their letter of 7-5-64 has requested to make available the references after getting the same from the ~~[illegible]~~ Govt. of Bombay and the same is not yet recd.,
31 C/7	30)	However, as per the minutes of the M(7), R & for notice to the parties is put up.
		31) Please also issue a D.O reminder to A.J.A to C.C.7 & get a reply for our letter dated 7th May 64
		BR 27/8/64
		27/8
		27/8
		H. S. RAMAIYA, Under Secretary to Government, Forest, Land Revenue Department.

Note.—Contn. Sheet

Land - Krishna Kithur - 35

AFD File No. L2 Fdr of 1963. (Sup)

Mysore Government Secretariat

Serial No.

32) The meeting notices have been withheld and the file is re-submitted for favour of orders in view of the recent position of this case. The interview that was about to be arranged before the Minister for Forests was with relation to the direction of the High Court, given while admitting the writ petition No. 808 of 1963. Both the parties viz., The Chairman, Town Panchayet Committee, Ainapur and The General Secretary, The Krishna Kithur Sahakari Samudhayak Besaya Sangh, Krishna-Kithur have been heard by the Hon'ble Minister for Forests and the case had been adjourned for getting further material which the Town Panchayet Committee had indicated in support of their case. It is with reference to this that the meeting has to be held on 11th September 1964. But in the meanwhile reference is invited to another Writ Petition No.770 of 1964 filed by the Town Panchayet, Ainapur, Taluk Athani by its Chairman, Shri Shiddappa Balappa of Ajnapur Vs. State Government and another, wherein the issues are almost the same as that of in the earlier petition. The Hon'ble High Court granted a stay with regard to this case and action has also been taken in G.O.No. LAW 770 LWP 1964 dated 5.8.1964 to defend the case and oppose the stay order. It appears, therefore, desirable to await the decision on this writ petition or atleast till the stay is vacated to take further action and therefore no useful purpose would be served by granting interviews & hearing the parties on 11-9-64

For orders,

29/9/64
(T.S.Ramaiya)
U.S., A&F

29.9

DY. SECY. (A&F)

V. M. [illegible],
Deputy Secretary,
Agriculture and Forest Department.

SECRETARY (A&F)

34) The hearing may kindly be deferred

MINISTER (F&F)

Minister
31/8/64

(33)

DEPUTY SECRETARY TO GOVT. NO. 7710 29 AUG 1964 AGRICULTURE & FOREST DEPTT.

27 n/7

File placed below.

AGRICULTURE & FOREST SECTION 5552 29 AUG 1964 GOVERNMENT OF MYSORE

OFFICE OF THE MINISTER FOR FOREST No. F.1716/64 31 AUG 1964 BANGALORE.

WD-010154-GPB-FZS-8,00,000-1-10-61

Land - Krishna Mithur — 36

Mysore Government Secretariat

[App. F. III 2

AFD File No. 42 F/62 of 1963 (Suppl)

Serial No.

7216 F/B

35) The Subject matter of writ petitions No 770 and 808 are distinct and seperate. The parties have to be heard in pursuance of the High Court Decision.

The Issue is sufficiently delayed. ~~But~~ further delay means denying justice. Hearing date may be given to the party. The connected records may be obtained and put up before that date.

BR
2.9.64

B. RACHAIAH,
Minister for Forests, Fisheries and Sericulture.

11 hrs. Sept 3 pm.
P.S. 3/9.

F. 1716/64

36)

37) S.A.R.F.

38) 3-9

ISSUED
Date 3-9-1964

39) Issue DO reminder to AFA to c.c.7 as indicated in Para 31 of N.7.8 resubmit.

BR
3/9/64
(T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Department.

AGRICULTURE & FOREST SECRETARY
3 SEP 1964
GOVERNMENT OF MYSORE

Note.—Contn. Sheet

37

AFD File No. 42 Film of 1963 (Sup)

Mysore Government Secretariat

Serial No.

40) Draft D.O letter to A.T.A., to c.c. w/r to para 39 n/7 put up (Ref. para 31 n/7) 33 c/7

CR 3/9

Issue today

(41)

JR 4/9/64

(T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Departments.

ISSUED
Date 5/9/196

42) The file may now be referred to P.S. to M(7) to make available the file to the M(7) at the appropriate time.

CR 8/9

Reference to Para 35 N.7).

43) ~~The file is placed below~~

The parties have been intimated by Post (Reg) of the hearing.

Hg is at 3 P.M today (11-9-64)

The file relating to W.P 770/64 is also linked herewith for reference. This may be returned after the Hg is over.

JR 11/9/64

(T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Departments.

P.S to Minister for Forests

WD-010154—GPB—PZS—8,00,000—1-10-61

Mysore Government Secretariat

AFD File No. 42 FGL of 1963. (Sangh) [App. F. III 2

Serial No.

A&F Dept.- Forest 'B' Section
======

46) As per the decision of the High Court in W.P.No. 808 of 63 (The Town Panchayat Committee, Ainapur Vs. The State of Mysore and others), the Advocate Sri V.S. Gunjal, representing the Ainapur Town Panchayat and also the General Secretary, The K.K.S.S.B.Sangha, Krishna Kithur, were heard by the Minister for Forests in his chambers at 3 p.m. on 11-9-1964 in the matter of granting or otherwise afresh 40 acres of land out of FS Nos.525 and 526 of Ainapur Village since High Court in their order had quashed the G.O. dated 23-2-1963 wherein the land had been granted to the Harijan Sangh referred above.

× Flag 'A'

45) The Advocate for the Town Panchayat Committee represented as follows:-

The F.S.Nos.525,526,527,530 and 333 of Ainapur were vested with the Town Panchayat Committee and they were exclusively used for purposes of grazing village cattle under order No.o/1993-D dated 30-6-1946 issued by the Assistant Secretary to the Government of Bombay, Revenue Department, which read as follows:-

+ Flag 'B'

"The Collector's action in leasing the forest S.Nos.525,526,527,530 and 333 of Ainapur to the Gowardhan Dairy Farms Ltd.,Poona, for cultivation of food and fodder crops for a period of one year only is approved. These lands should neither be leased nor exchanged but should be reserved for grazing purposes only in future."

46) He also quoted the following extract from the Notification of Bombay Government wherein the above survey numbers have been vested with the Town Panchayat under Section 28-B of the Bombay Village Panchayat Act,1933:-

@ Flag 'C'

@ "Local Self Govt. and Public Health Dept.
Resolution No. S.252 Bombay Castle, 9th June 1950

Resolution:- "In exercise of the powers conferred by Section 28-B of the Bombay Village Panchayats Act 1933 (Bom.VI of 933) Government is pleased to pass the following orders in respect of vesting in Village Panchayats of the Government properties viz: open sites, waste lands, vacant lands, grazing lands, public roads and public streets river beds and trees which are situated within the limits of the Village Panchayats -

xx xx xx xx xx xx

Note.—Contn. Sheet

Serial No.

xx xx xx xx xx

4.Grazing lands:- These are lands outside the Village site and assigned specifically for grazing the village cattle. These grazing lands should be vested in the Panchayats subject to the conditions that (i) no villager is prevented from grazing his cattle kept by him in the village provided the grazing fees, if any, fixed by the Panchayat are paid by him, (ii) that the grazing land is kept in a good condition to the satisfaction of the collector or the District Agricultural Officer inseted as per G.Coori.L.S.G. & P.H.D. Nos.252 of 3-1-51 (iii)that no lease, sale or other transfer of such grazing lands by the Panchayat shall be valid without the previous sanction of the Collector (iv) that they shall be liable to be resumed for breach of conditions without compensation."

It was made clear from the foregoing paragraph, he said, that Government have no powers to resume the land unless there were any breach of conditions by the the Town Panchayat. He said that no breach of conditions was made by the Town Panchayat and therefore Government have no powers to resume the lands vested with the Panchayat. (47

He then quoted extract from Bombay Forest Manual Vol.III (Rule 104 page 56) stating that for purposes of grazing village cattle, the lands coming under reserved forests shall be utilised. Thus, it was the wish and intention of the Government that grazing lands shall be fully met from the reserved forests only. Under this provision also, Government have no powers to resume the land. (48

He further submitted a copy of G.O.No.10/GB/58 Bangalore dated 17th March 1959 issued by the Revenue Department, Government of Mysore, wherein Government have directed with a view to have a uniform policy regarding reservation of gomal lands, that based on the cattle census of 1956, land be reserved for grazing at the rate of 30 acres per hundred heads of cattle etc. all over the State. (49 + Flag 'B'

The Advocate said that as per the Cattle Census of 1956, so far as Ainapur is concerned, there were 3799 heads of cattle and 681 heads of goats. As per the Government Order, the area required by the village would be 990 acres (on average) whereas the land now managed by the Town Panchayat is 497 acres which is far less from the prescribed limits. (50

Serial No.

In view of this also, he said it was not correct for Government to have released an area of 40 acres out of FS Nos.525 and 526 of Ainapur. The Advocate further explained that the lands now granted to the landless Harijans of Krishna Kithur Village are surrounded by agricultural lands and these lands are got to be maintained for grazing purposes and it is for this purpose the erstwhile Bombay Government as well as Mysore Government have reserved the grazing lands so as to see the agriculture is better developed. Since these lands are not coming under the purview of Darkhast lands, the Government have no powers to withdraw the assignment of lands so made to the Town Panchayat unless on any breach of conditions specified thereto. He also complained that these lands are situated at Ainapur but Government have granted the same to the people of other village viz: Krishna Kithur. Since the D.F.O. Gokak was not aware of these issues he has recommended the grant which has been supported by the higher officers of the department.

51) The General Secretary of K.K.S.S.B.Sangha, said that they have no other lands to cultivate near or about the area and also there is no other additional area available in the vicinity of that area and pointed out that the lands now granted are very near to their village i.e. about one mile distance whereas for Ainapur, it would be 4 or 5 miles.

52) The Minister for Forests, on hearing both the sides, said that normally he felt that Government have full powers to withdraw the lands vested in Panchayats He quoted cases where the ryots have lost their agricultural and other lands on account of sub-mersion,it was the duty to give alternative lands in place of lands taken by the P.W.D. for construction of a tank. In fact, Government in lieu of the lands submerged have granted alternative lands available in the nearest area of submersion to the displaced persons including Gomal lands. Hence the question to be decided is whether the above mentioned land now vested in the Ainapur Village Panchayat can be legally withdrawn by Government and if so under what circumstances

Note.—Contn. Sheet

If agreed to, the file will be referred to Law Department for favour of furnishing their views.

JR 6/10/64
(T.S.Ramaiya)
Under Secy.,A&FD.

DY.SECY.(A&FD)

V. M. VENGIAH,
Deputy Secretary,
Agriculture and Forest Department.

may be referred to L.D.

SECRETARY(A&FD)

9/10/64
Secy., Agri. & Forest Dept.

MIN.FOR FORESTS

56) This case relates to the grant of 40 acres of forest land in Forest S.No.525 and 526 of Ainapur village, Athani Taluka in favour of the harijans of Krishna Kittur on hangami lagan basis for fruit cultivation. Against this grant, the V.P. Ainapur filed a writ petition in the High Court and the High Court in allowing the appeal has directed that the Government should hear the petitioner and also the grantee on the contention of the panchayet that these two S.Nos.are grazing lands and are vested in the V.P. In pursuance of the High Court's directions, I heard both the parties on 11-9-1964.

56) Sri Gunjal, Advocate for the Town Panchayet contended that forest S.Nos.525, 526 527, 530 and 333 of Ainapur are vested with the

DEPUTY SECRETARY TO GOVT. AGRICULTURE & FOREST DEPT. No. 8936 7 OCT 1964

AGRICULTURE & FOREST DEPT. No 6328 8 OCT 1964 GOVERNMENT OF MYSORE

OFFICE OF THE MINISTER FOR FORESTS & FINANCE No..... 12 OCT 1964 BANGALORE.

Serial No.

vested with the town panchayet and used for purposes of grazing and in accordance with the Bombay Resolution dated 9th June 1950 grazing lands etc. are vested with the Panchayet and such lands can only be resumed when there is breach of condition. He further contended that reserve forests shall be utilised for grazing village cattle as per rule 104 of the Bombay Manual Vol.IIIand that the present grazing land was insufficient.

54) The General Secretary, K.K.S.S.B. Sangha pleaded that the Sangha people are poor harijans who are landless and consequently, they are leading a life of serfdom and hand-to-mouth existence. He further pleaded that the piece of land now granted by Govt. is surrounded on all sides by agricultural lands and this land is better suited for agricultural purposes than for grazing purposes and the grant of this land will envisage betterment of their economic conditions, removal of general backwardness, the improvement of extremely low living standards, and elimination of dependence on others, and that these lands are forest lands and disposal of the same is vested in Government. He further stated that town Panchayet had filed civil suits against the grant of land in S.No.333 etc. and has failed to establish its claim over the lands. In support of his statement, he has produced a certified copy of the order of the High Court in Civil Revision petition No.437 of 1964 (V.P.Ainapur vs. Rayappa Siddaramappa Kot).

Flag X

58) In support of his averments, Advocate for the Town Panchayet cited the Bombay Resolution at Flag 'C' vesting the grazing land with the V.P. According to this resolution, open sites, waste lands, vacant

Serial No.

vacant land, grazing land, public road and public street, river bed and trees, which are situated within the V.P. have been vested with the Panchayet. I see from a copy of the letter dated 14th November 1950 from the Collector, Belgaum, to the Revenue Secretary, Bombay that an area measuring 921 acres 15 guntas which had been assigned for grazing purposes including the S.Nos.525 and 526 in question, a recommendation was made to the then Bombay Government to the effect that an area of 305 acres 11 guntas consisting of forest land is better suited for cultivation as the land is fertile black soil of more than 18 inches depth and that the same may be given to the Tenants Farming Co-operative Society for cultivation. It is thus seen that the Revenue Authorities have found out the usefulness of this land for cultivation rather than for grazing purposes. Moreover, the Bombay Resolution cited above lays stress that such lands which can be brought under cultivation should not be vested in the Panchayet." It is therefore evident that S.Nos.525 and 526 do not come within the ambit of the Bombay Resolution and they are forest land which are being managed by the Town Panchayet and they cannot therefore be described as either grazing or gairon lands, which are usually under the control of the Revenue Department. Under Rule 104 of the Bombay Forest Manual Vol.III cited by the Advocate for the V.P. reserve forests are also used for grazing purposes. By throwing open the reserve forests for grazing purposes, only a right of grazing has been created and not the right of ownership over the property. In this connection, it would be appropriate to quote below an extract from the judgment of the Second Additional District Judge, Belgaum, in a similar case which has been hepheld

Flag Y

Serial No.

upheld by the High Court:-

> "That the suit survey number is a village forest land and that the gramapanchayet is managing it.....The Divisional Commissioner had made the matter quite clear that the land including the land in question were given to the V.P Committee only for management and that the lands are village forest lands. Therefore, they do not come under the resolution No.251 dated 9-5-1950 of the Bombay Government. Hence, the claim of the V.P. cannot be accepted".

Even according to the decision of the Additional Judge, the land, though managed by the V.P. is a forest land and its disposal ultimately vests with the Government. As rightful owner of the land, Government, in its discretion, isfree to dispose of the forest lands if it thinks that better purpose would be served by such disposal.

59 The other point argued by the Advocate for the V.P. is the insufficiency of gomal land. About 500 acres of ~~land~~ gomal land is stated to be available at present and the release of 40 acres of land is said to minimise the extent of gomal land thus affecting the grazing of the cattle. The harijans are landless toiling masses who are leading a life of misery in sub-human conditions. Our Government is wedded to the socialistic pattern of society and our policy is to create every opportunity for the weaker sections of the society to work independently for their betterment and upliftment. For ages these people have been placed under fetters which have retarded their growth. Land which is a means to an end is a tool with which they could be emancipated and their living conditions elevated. Unless the economic conditions of these people are bettered, the security of the society will be in jeopardy. If a society is to prosper, human

Serial No.

8936

human considerations should take precedence over other conditions. The grant of land to these harijans is therefore more beneficial and advantageous than allowing the same for grazing purposes. The benefit of grant of land is two-fold. Food can be produced for human consumption and fodder to the cattle. I feel that the grant of land is more imporrant remedy for their present plight and if the land is not given, the Society is sure to go defunct and the members of the Society who are landless harijans will be reverted to old order of things.

60) Considering all aspects of the case, I hereby order that an extent of 40 acres and 9 guntas in S.Nos. 525 and526 of forest land in Ainapur village, Athani Taluk, Belgaum District, is released to the Krishna Kitthur Sahakari Samudayaka Besaya Sangha Niyamitha for cultivation ~~on Hangami Hegan basis~~. Necessary notification disforesting this extent of land in S.Nos.525 and 526 may issue and the Sangha may be put in possession of the land immediately.

B Rachaiah 18-12-64
Minister for Forests & Fisheries.

F. 2296/64

OFFICE OF THE MINISTER FOR FORESTS & F. No..... 18 DEC 1964 BANGALORE.

Secretary to Government,
A & F Deptts.)

6328

61) 18/12/64

63) Govt., in their order No. AFD 42 FGL 63 (Flag B) dt 23-2-63 has ordered the release of an area of 40 Acres in favour of the Sangha purely on Hangami hegan Basis on certain terms and conditions.

62) 21/12/64
21/12/64

[App. F. III 2

Mysore Government Secretariat
3 JAN 1965
Serial No.
DEPT (RECEIPT & ISSUE)

AF-D File No. 42 FDR of 1963 (Sup)

As per the minutes of the M(F) vide para 60 n/7, the land has to be disforested and the same has to be given to the Sangha. Hence, if the area has to be disforested, R.D. will have to be consulted.

JR
31/12/64
(T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Department.

DEPUTY SECRETARY TO GOVT.
NO. 49
2 JAN 1965
AGRICULTURE & FOREST DEPTT.

MYSORE GOVT. SECRETARIAT
No. 53
4 JAN 1965
REVENUE DEPT. (RECEIPT & ISSUE SECTION)

D.S.
22/12

64 SR 5.1.65

D.S.
9/1/65
(SYED BASHEER AHMED)
Deputy Secretary to Government,
Agriculture and Forest Department.

R.D.

65 R.D. has no objection.

Mr 6/1/65 In the circumstances stated, R.D. may agree to the proposal.

66. 11.1.65 The land in question in the first instance may be released in favour of R.D. R.D. will take further action to grant the land as per rules

D.S. A.F.D. 11.1.65

67) 12/1/65

MYSORE GOVT. SECRETARIAT
No.
JAN 1965
REVENUE DEPT. ('D' SECTION)

374

15/1/65

Note.—Contn. Sheet

Land release

47

AFD File No. 42 Flm of 1963 (Sup)

Mysore Government Secretariat

Serial No.

Draft G.O. releasing the area and surrendering the same to the R.D. in put up for appl (Ref: para 60 n/7)

35 C/7

CR
15/1

Draft G.O. may be approved.
R.D. has agreed.

DR
16/1/65
(T. S. RAMAIYA)

DS

16/1/65

ISSUED
Date 16/1/1965

DS
19/1

WD-010154—GPB—PZS—8,00,000—1-10-61

OFFICE OF THE MINISTER FOR FORESTS & FISHERIES
No. 737
28 MAR 1964
BANGALORE

COURT FEE INDIA
2Rs TWO RUPEES MYSORE

F/B

1649/F/B
31 MAR 1964
AGRL & FOREST DEPT. (REG)

To

The Hon'ble Minister for
Forests & Fisheries,
Government of Mysore, B A N G A L O R E.

Sir,

Subj:- G.O.No.AFD 42 FGL 63 Dated 23-2-1963 sanctioning about 40 Acres and odd in favour of The Krishna Kithur Sahakari Samudhyak Besaya Sangha, Belgaum District for cultivation of Harijans.

I, M.B. Henchinamane, Secretary, K.K.S.S.B.Sangha, Belgaum, wish to represent the following few lines to your kind consideration and favourable orders.

You were so kind to grant us 40 Acres and odd in favour of K.K.S.S.B. Sangha for cultivation for bona fide use in G.O.No. AFD 42 FGL 63 dated 23-2-1964.

Thinking that all things will go smooth the above Sangha we deputed one of our boys for training in Cooperative farming and for a period of six months at Dharwar and he has come back after his training to act as the Secretary as our Sangha. After the Registration of our Sangha, we have been sanctioned a loan of Rs.10,000/- from the Registrar of Cooperative Societies,Bangalore.

Towards the valuation of the 2000/- jally trees we have paid Rs.500/- to the D.F.O's office,Gogak out of Rs.10,000/- sanctioned as loan from the Registrar of Cooperative Societies.

When we wanted to take possession of the lands the Town Panchayat Committee Ainapur filed WRIT PETITION No.808/1963 and we disputed and the same has been ordered as follows:-

"We have come to the conclusion that the case put forward by the Petitioner namely that the property in dispute has been vested in it cannot be brushed aside. It requires examination. Therefore, before arriving at any conclusion on this point, the Petitioner must be head. In the result we allow this petition and quash the impungned order. It is open to the Government to go into the matter afresh and pronounce on the claim put forward by the petitioner, after giving it an opportunity to be heard. Before deciding this question, the 3rd Respondent may also be heard. No costs."

Thinking that the lands would be cultivated by its members, the members did not work anywhere and at present actually starving and other landlords and zaminders are also not giving

Both the parties will have to be heard before a decision is taken. A date may be fixed and the parties are given Clearance to put forth their views in the Court on April 1964

BR 26-3-64

BR 31-3

OFFICE OF THE MINISTER FOR FORESTS & FISHERIES
No. 875
28 APR 1964
BANGALORE

the members any kind of work for their existence atleast.

Further the Town Panchayat Committee people have commenced to cut the trees to make us to get into a loss as we have a sum of Rs.500/- to the Forest Department.

In the circumstances, I request you Sir to decide this question at a very early date and grant us the land as per your Government Order No. AFD 42 FGL 63 dated 23-2-1963 so that we may cultivate the lands and earn our living without starving.

For which act of kindness, I and members of the above Sangha will ever remain grateful to you and pray for your long life and prosperity. Stamp worth Rs.2/- is also enclosed herewith.

Yours faithfully,

Bangalore,

Dt.26-3-1964

(B. HENCHINAMANE),
Secretary,
The Krishna Kithur Sahakari
Samudhyak Besaya Sangha,
Krishna Kithur, Taluka Athani,
Belgaum District.

Appendix F. G.-1]

Sa 3

SUBJECT Sanction of 40 acres of land in favour of the Krishna Kitter Sahakari Samudayak Besaya Sangh Belgaum

Diary No. of letter replied to.....

Mysore Government Secretariat.

( )

the 196 .

Date of issue ISSUED

Date 13/4/196

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No.

To

(1) The General Secretary
The Krishna Kitter
Sahakari Samudhayak
Besaya Sangh.
Krishna-Kitter.
Th. Athani, Dist- Belgaum

(2)
The Chairman,
Town Panchayat C'tee
Ainapur. dist. Belgaum

Sir,

(1) Ref your letter dt 26-3-64 addressed to M (PE)

(2) ——

I am directed to state that the Minister for

51

Forests, Fy & Sericulture will be pleased to give hearing to you on the above subject on 20-4-64 at 3 PM. in his Chambers at Vidhana Soudha. You are, therefore, requested to make it convenient to attend at the time and date.

U.S. to Govt

A.C.F.

20/4/64

Copy to the P.S. to M(Fz.)

52

(a)

GOVERNMENT OF MYSORE

No AFD 42 FGL 63

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 13th April 1964.

FROM

The *Secretary to the Government of Mysore,*
Agriculture & Forest Department.

To

1. The General Secretary,
The Krishna Kithur Sahakari Samudhyak Besaya Sangh,
Krishna-Kitter,
Taluk Athani, District Belgaum.

2. The Chairman,
Town Panchayet Committee,
Ainapur,
Belgaum District.

Sir,

Sub:- Sanction of 40 Acres of land in favour of the Krishna Kithur Sahakari Samudhyak Besaya Sangha, Belgaum.

Ref:- 1. Your letter dated 26.3.64 addressed to the Minister for Forest.
2.

I am directed to state that the Minister for Forests, Fisheries & Sericulture will be pleased to give hearing to you on the above subject on 20-4-1964 at 3-00 P.M. in his Chambers at Vidhana Soudha, Bangalore. You are, therefore, requested to make it convenient to attend at the time and date.

Yours faithfully,

Sd/-
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

Rhr/13.4/4

Copy to the Private Secretary to the Minister for Forest

T. S. Ramaiya
UNDER SECRETARY TO GOVERNMENT,
AGRICULTURE & FOREST DEPARTMENT.

Appendix F. G.—1]

5 53

SUBJECT .....

.....

.....

Diary No. of letter replied to..... .....

Mysore Government Secretariat.

( )

the 196.

Date of issue.....

Signed by.....

ISSUED

Date 13 ... 1964

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

N.

To

STATE Express. Telegram

Reference Govt Letter

AD42 FGL63 dt. 13/4/64.

(Stop) Hearing ~~post~~ ~~fixed~~ ~~at~~ P.M on ~~ponned~~ ~~to~~ 24th ~~instead~~. ~~at 3 PM~~. instead 20th inst

Agnisee

(1) post-copy in confirmation forwarded to the Secy Krishna Kittur S.S. B.S. Krishna Kittur.

(2) Chairman T. P.C. Arisikere

WD 01:116—GPB—4,00,000—7-3-63

545(a)

STATE EXPRESS TELEGRAM

The General Secretary,
The Krishna Kithur Sahakari Samudhyak Besaya Sangh,
Krishna-Kitter,
Athani Taluk.

REFERENCE GOVERNMENT LETTER AFD 42 FGL 63 DATED 13-4-1964 (.) HEARING FIXED AT 3-00 P.M. ON 24TH INSTEAD 20TH INST. (.)

- AGRISEC -

Not to be telegraphed.

T.S. Ramaiya
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

Inc
17/4

55
(6)

STATE EXPRESS TELEGRAM

The Chairman,
Town Panchayet Committee,
Ainapur.

REFERENCE GOV RNMENT LETTER AFD 42 FGL 63 DATED 13-4-1964 (.) HEARING FIXED AT 3-00 P.M. ON 24TH INSTEAD 20TH INST. (.)

= AGRISEC =

Not to be telegraphed.

T.S. Ramaiya
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

17/4

56 (c)

STATE EXPRESS TELEGRAM

The General Secretary,
The Krishna Kithur Sahakari Samudhyak Besaya Sangh,
Krishna-Kitter,
Athani Taluk.

REFERENCE GOVERNMENT LETTER AFD 42 FGL 63 DATED 13-4-1964 (.) HEARING FIXED AT 3-00 P.M. ON 24TH INSTEAD 20TH INST. (.)

- AGRISEC -

Not to be telegraphed.

Sd/-
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

Memo No: AFD 42 FGL 63 B'lore, dated:

POST COPY in confirmation forwarded to the General Secretary, The Krishna Kithur Sahakari Samudhyak Besaya Sangh, Krishna-Kitter, Athani Taluk.

ISSUED
Date 17-4-1964.

T.S.Ramaiya
UNDER SECRETARY TO GOVERNMENT,
AGRICULTURE & FOREST DEPARTMENT.

(d) 57

STATE EXPRESS TELEGRAM

The Chairman,
Town Panchayet Committee,
Ainapur.

REFERENCE GOVERNMENT LETTER AFD 42 FGL 63 DATED 13-4-1964 (.) HEARING FIXED AT 3-00 P.M. ON 24TH INSTEAD 20TH INST. (.)

= AGRISEC =

Not to be telegraphed.

Sd/-
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

Memo No: AFD 42 FGL 63, B'lore, dated:

POST COPY in confirmation forwarded to the Chairman, Town Panchayet Committee, Ainapur.

ISSUED
Date 17-4-1964

T.S. Ramaiya
UNDER SECRETARY TO GOVERNMENT,
AGRICULTURE & FOREST DEPARTMENT.

A NOTE

Subject:- Grant of forest land - 40 acres out of FS No. 525 and 526 of Ainapur Village, Athani Taluk, for being given to the Harijans of Krishna Kittur Village on Hangami Lease for fruit cultivation.

***

The subject matter to be discussed is with relation to the ~~Government Order~~ release of land leading to the issue of Government Order No. AFD 42 FGL 63 dated 23-2-1963 according sanction to the release of an area of 40 acres out of F.S.No.525 and 526 of Ainapur Village, Athani Taluka for being given to the Harijans of Krishna Kithur Village on Hangami lease basis for fruit cultivation. The file leading to the issue of this order is placed below for kind perusal (File No. AFD 42 FGL 63). Against this order, the Town Panchayat Committee, Ainapur, filed a Writ Petition in the High Court of Mysore and brought a stay also prohibiting taking further action in pursuance of the G.O. cited above. After hearing the parties, the Hon'ble High Court has issued an order which may kindly be perused vide Flag 'K'. The main contention put forward by the Town Panchayat Committee was that under Law in force in Bombay area, since the forest land is vested in Panchayat, the Government were not in order in releasing the same in favour of the Society. The relative portion in the judgement reads as follows:-

"After carefully examining the records produced before us we have come to the conclusion that the case put forward by the petitioner, namely that the property in dispute has been vested in it cannot be brushed aside. It requires examination. Therefore, before arriving at any conclusion on this point, the petitioner must be heard. In the result, we allow this petition and quash the impugned order. It is open to the Government to go into the matter afresh and pronounce on the claim put forward by the petitioner after giving it an opportunity to be heard. Before deciding this question, the Third Respondent may also be heard. No costs."

Hence, this point will have to be examined in detail in consultation with the C.C.F. and also the Law Department, if necessary, to know the correct position. Anyhow, before

9

doing that, it appears to be necessary to know the case of Panchayat also. The contention of the Panchayat after being heard by the Minister will be further examined after knowing the points that would be urged before the Minister on the Interview date.

TSR 21/4/64

(T.S.RAMAIYA)
Under Secretary to Government,
Agriculture and Forest Department.

RN.

59

Before the Hon'ble minister for ~~Agriculture~~ & Forests

Vidhana Soudha

Bangalore

No. F. 1004/64

APR 1964

BANGALORE

AFG/42/FGL/63 Dt 13-4-64.

Petitioner :- Co-op. Agri society.

Resp. :- Gram Panchayat committee of Aincher

Herein the ad-vocate begs to apply as under:-

The pleader for the opponent Gram Panchayat who had come in connection with the above matter, suddenly died of an heart-attack at 7-15 P.m. yesterday. He had all the papers and he had come here to give instructions in the matter. On account of this unfortunate incident it is not possible to go ~~[illegible]~~ with the case.

This therefore respectfully prayed that the case may kindly be adjourned by about a month to enable the opponent Gram Panchayat to take further steps in the matter.

It is also prayed that papers as called for in the accompanying application might be called in the meanwhile as they are necessary for the disposal of the case.

Bangalore
24.4.64

Advocate

2 Rs. COURT FEE TWO RUPEES INDIA

Since his Advocate who has the power has died of heart attack ~~[illegible]~~

This is postponed to 30.4.64 at 3 PM

24/4

U.S. (Drts)

24/4/64

Bangalore
24.4.64

Advocate

COURT FEE INDIA 2Rs TWO RUPEES

COURT FEE INDIA ONE RUPEE 1R

BEFORE THE HONOURABLE MINISTER FOR ~~AGRICULTURE~~ FORESTS.
BANGALORE.
No. AFD/42/FGL/63
dated 13/4/64.

Opponent

I the opponent Shiddappa Belappa Chairman of the Panchayat Committee Ainapur, Belgaum Dist. in the above matter hereby appoint and retain Sri ~~A.K.Patil Pleader,~~ ~~Athani~~, and V.S.Gunjal, Advocate Bangalore to appear and act for me in the above matter and to conduct the same, and all interlocutory or miscellaneous proceedings connected with the same or with any decree or order passed therein, and also in proceedings for review of judgements etc., and to obtain return of any documents field therein or to receive any money which may be payable to me in the said matter and grant receipts therefore and to effect compromise or settlement.

I do hereby authorise to appear on my behalf and give written statement and do other necessary act on behalf of the Town PC. Ainapur.
Executed by me this 21st day of April 1964.

ಸಿದ್ದಪ್ಪ ಬಾಳಪ್ಪ ಬೆಳಗಾವಿ

CHAIRMAN
T. P. C. AINAPUR

(Attestation)

Executant personally known to me and signed in my presence.

Certified that the contents were explained to the executant in my presence in Kannada Language known to him who appeared perfectly to understand the same and signed his name in my presence.

Accepted

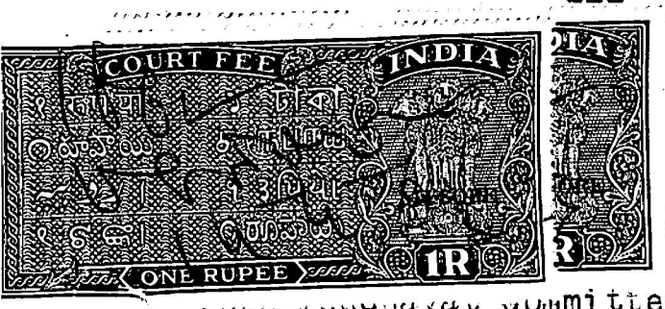
Advocate ~~or Pleader~~ for

Date 24.4.64

62 15

AFD/42/FGL/63 dated 13/4/64.

Before the Honourable Minister of ~~Agriculture~~ Forests,
Mysore State, Bangalore.



... Gram Panchayat Committee, Ainapur.
Opponent.

application on behalf of the Chairman, Town Panchayat Committee Ainapur:-

In this notice seems to have been issued to the Chairman for heraring on the subject noted above but no notice has been served or received by the Town Panchayat Committee. Subsequently the telegrams was received on 17/4/64 informaing T.P.C that the matter is fixed for hearing on 24th instt. instead of 20th.instt. However without prejudice to the right of the T.P.C and without conceding the point of notice I appear and beg to apply to call for the following papers for deciding the subject noted above.

1. Government letter No.4623/1992-G dated 10/2/50 of the Agricultural and forest department of the Bombay Government concerning the ~~xxxxxxxxxx~~ assignment of the village forest lands of Ainapur for the grazing purposes. The papers of the said orders are now in the recrods of the Mysore State after re-organisation.

2. Bombay Govemnment letter No. ~~0/19903-V~~ 0/19903-D dated 30-4-46 of Revenue Department regarding the prohibition of the disposal of the Village forest lands of Ainapur, which order is entered in the village records of S.No.526 and 527 etc

...2

63

3. The papers pending in local self departments in No. 111/V.A.P/1958 dated 10-10-58 in the Mysore State in the month of January 1959 or so for compromise of the suit No. "Special suit No. 30 of 56" of Belgaum Civil Judge S.D.Court and praying for ~~compromising~~ cancelling the grant of S.No. 333 of Ainapur in Mysore Government order No. Rd 34 GD 58 dated 23/12/58 of the Revenue Department and also the report of opinion of the Law Secretary obtained in this behalf .

4. The papers in No.O/13477-P of the Revenue Department of the Bombay Government together with a report of the collector of Belgaum in this behalf.

5. Papers received by Government pleader in W.P.No.808 of 63.

6. Papers of the Memorandum of the Bombay Government No. V.D.S-1853 dated 17-2-54 together with the letter of the Collector, Belgaum in LGLSR-1174 dated 14-11-1950.

It is most humbly submitted that the above named papers are absolutely necessary in deciding the case. In the interest of justice it is most humbly prayed that the above named papers be called for or respective departments be summoned to produce those documents.

It is also mostly humbly prayed that time may be granted to file the written statement and the case be fixed for hearing on another date.

Bangalore
24th April 1964.

Pleader for the Opponent.

INVEST WISELY
NATIONAL SAVINGS CERTIFICATES

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

17 64

Class / Prefix } ..... Code .....

No. 1901/FM 116

Recd. from .....

By .....

Time of ..... Recd. ..... By .....

Office stamp

Received for Issue of Posts & Rates | Weight | Charge | Effects | Service Instructions | Words

TO

Recd. here at ..... H. M

-:X 0910 1ATNAPUR 20 26 SECRETARY
AGRICULTURAL DEPARTMENT MYSORE STATE BANGALORE
-:RECEIVED YOUR WIRE EXCEPT TO AFD 162/FG/63 DATED
13/4/64 NO LETTER RECEIVED LETTER FOLLOWS
-:CHAIRMAN TOWN PANCHAYAT COMMITTEE ATNAPUR -

42FG163

May be transferred to F.G. B.

Bharathi Press.: Vellore-P.O./84 /C-Books/68 dated 30-11-68 25,000 Bks

22/4

INSTITUTION NO. 8 / 64-65

Ainapur. 65 19

No. Date: 20-4-64.

AINAPUR.

From:- The chairman T. P. C Ainapur.
Taluka Athani Dist. Belgaum.

Express
461

To

The Secretary Agricultural Department.
Mysore state Bangalore

Sir,

In the reference to your wire dated 17-4-64, I have the honour to inform you that the reference referred in your wire namely AFD 62/FG/63 dated 13-4-64 has not been received in this office.

I am unable to make out anything out of the wire received by me. I am unable to know to what matter it reffers. It is strange to know that the hearing date postponed from 20th to 24th instant. No Notice, No paper regarding the prior date is received.

The same may kindly be informed & the reference paper be kindly sent to me to take further action in the matter.

Since it is a Tron Panchayat I will have to keep the subject before the Committee for taking further action in the matter.

ನಿಂಗಪ್ಪ ಬಾಳಪ್ಪ ಗಾಣಿಗೇರ

CHAIRMAN
T. P. C. AINAPUR.

MYSORE GOVT. SECRETARIAT
2059/F
24 APR 1964
SIVHK.
& FOREST DEPT. (REGISTRY)

24/4/64

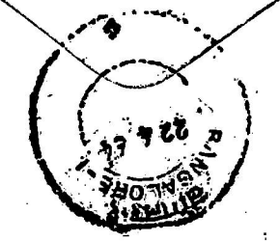
EXPRESS

66

To

The secretary Agricultural
Department
Mysore state
(4b1) Bengalore
Bengalore.

From The Chairman
T.P.C. 67
Ainapur
Tat Alhani



68
21

BY REGD. POST: ACKMT. DUE

GOVERNMENT OF MYSORE

No. AFD 42 FGL 63

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 25th April 1964.

FROM

The *Secretary to the Government of Mysore,*
Agriculture and Forest Department.

To

1. The General Secretary,
The Krishna Kithur Sahakari Samudhayak Besaya Sangh,
Krishna-Kithur,
Taluka Athani, District Belgaum.

2. The Chairman,
Town Panchayat Committee,
Ainapur, Belgaum District.

Sir,

Subject:- Sanction of 40 acres of land in favour of the Krishna Kithur Sahakari Samudhayak Besaya Sangha, Belgaum.

I am directed to state that the meeting fixed at 3 P.M. on 24-4-1964 is refixed for hearing at 3 p.m. on Thursday the 30th April 1964. You are requested to make it convenient to be present with all the relevant records to support your case.

Yours faithfully,

Sd/-
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture and Forest Department.

Copy of the above is forwarded to Sri V.S.Gunjal, Advocate, Bangalore, representing the Chairman, Town Panchayat Committee, Ainapur.

Sd/-

(T.S.Ramaiya)
Under Secretary to Government,
Agriculture and Forest Department.

Copy for information to the Private Secretary to the Minister for Forests

ISSUED
Date 25/4/1964

T.S. Ramaiya
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture and Forest Department.

RN.
25/4

69

B. R. 54 (Loose)

Acknowledgment

(To be returned to office of posting for delivery to sender)

Received ~~registered~~ ~~letter~~ ~~parcel~~ ~~addressed to~~ ~~marked~~ The General Secretary
The Krishna Kittur Sahakari
Samudayak Besaya Sangha.
Krishna Kittur
Tal. Athani Dist. Belgaum

~~Insured for Rs.~~

~~Signature of addressee~~

~~Date of delivery~~ 19

* Write here "letter," "postcard," "packet," or "parcel," as the case may be, preceded by the word "insured" if the article is insured.

† To be filled up only in the case of registered articles. In other cases it may be scored out in the case of other articles.

MFP—'88 Postal—SFS-S-1-22-35 (Pt-II)—(P-188)—20-2-63—34,000,000. [C. 40-119/50]

कृष्णा किरण
बी.जी.
27.4.64
बेंगलोर

70

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

BANGALORE

Under Secretary to Govt
Agriculture and Forest Department
Vidhana Soudha
Bangalore-1

To
Sender's name and address

Name of the office of posting
VIDHANASOUDHA

71

21(a)

GOVERNMENT OF MYSORE

No AFD 42 FGL 63

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 30th April 1964.

FROM

The *Secretary to the Government of Mysore,*
Agriculture & Forest Department.

To

1. The General Secretary,
The Krishna Kithur Sahakari Samudhayak Besaya Sangh,
Krishna-Kithur,
Taluka Athani, District Belgaum.

2. The Chairman,
Town Panchayat Committee,
Aimapur, Belgaum District.

Sir,

Sub:- Sanction of 40 acres of land in favour of the Krishna Kithur Sahakari Samudhayak Besaya Sangha, Belgaum.

I am directed to refer to Government letter of even number dated 25-4-1964 on the subject noted above and to state that the meeting is re-fixed for hearing at 3-00 P.M. on 4-5-1964 in the Chambers of the Minister of Forest & Fisheries. You are requested to make it convenient to be present with all the relevant records to support your case.

Yours faithfully,

Sd/-
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

ISSUED
Date 30/4/1964

S/C

Copy of the above is forwarded to Sri V.S.Gunjal, Advocate, Bangalore representing the Chairman, Town panchayat Committee, Aimapur.

Sd/-
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

Copy for information to the Private Secretary to the Minister for Forests.

T.S. Ramaiya
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

Rhr/

72

23

Received letter
No. HS 42 FG.L 63 - Sup.
dt. 30-4-63.

Ramirmanu

73
25

M. G. S. App. F VI—G. 2]

SUBJECT

Flag 'A'

Diary No. of letter replied to

Section

Serial No.

File No.

Mysore Government Secretariat

( )

the 196 .

Proceedings of the Government of Mysore

Date of issue ISSUED 196

Date 7-5-1964

Signed by

Read—

c c f

Correspondence relating with your letter No. B3-GFC-4134/02-03 dt 12-6-1963, on the above subject, I am to require you to make available copies of the following records to hand early :-

a) G.L. No. 4623/-992-4 dt 10-2-50

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Order thereon—No.

of the A & F Deptt of the Bombay Govt

b) Bombay Govt. letter No. 0/19903-D of 30-4-46 of the R.D

c) The papers pending in Local-Self. Deptt., in No. 'III-U.A.P-1958 of 10-10-1958 in the Mysore State in the month of Jan., 1959 or so for Compromise of the Suit No. 'Special Suit No. 30 of 1956' of Belgaum Civil Judge S.D. Court & praying for cancelling the grant of S. No. 333 of Aimapur in R.G.O. No. RD 36 LD 58 of 23-12-58

d) Paper No. 0/1944-P of the R.D of the Bombay Govt. to deal with the

List of Enclosures

Copied by

Examined by

WD 0941 GPB PES 1,00,000 31-5-01

M. G. S. App. F VI—G. 2]

27 75

SUBJECT .....

Diary No. of letter replied to.....

Section

Serial No.

File No.

Mysore Government Secretariat

( )

the 196 .

Proceedings of the Government of Mysore

Date of issue..... 196 .

Signed by.....

Read report of the Collector of Mgm in this behalf.

e) papers of the memorandum of the Bombay Govt No. VDS-1853 dt 17-2-50 together with the letter of the Collector, Mgm in LDCSR-1174 dt 14-11-1950 of the

May this be—

(i) printed?

(ii) treated as a Standing Order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette, Kannada Part?

Order thereon.—No.

copies of the references are not readily available, the same ~~should~~ may be obtained from the Bombay Cover & Sub-cl to cover immediately.

4/7

4/8 A47

List of Enclosures.

Copied by

Examined by

WD 09414—GPB—PES—1,00,000—31-5-61

25(a) 77

GOVERNMENT OF MYSORE

No AFD 42 FGL 63

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 7th May 1964.

FROM

The Secretary to the Government of Mysore,
Agriculture & Forest Department.

To

The Chief Conservator of Forests
in Mysore, Bangalore.

Sir,

Sub:- Writ Petition No.808 of 1963 - The Chairman, Town Panchayat Committee, Ainapur, Belgaum Vs. The State.

Correspondence resting with your letter No.B3-GFL-4134/62-63 dated 12-6-1963 on the above subject, I am to request you to make available copies of the following records to Government early:

a) Government Letter No.4623/992-G dated 10-2-1950 of the Agriculture & Forest Department of the Bombay Government.

b) Bombay Government letter No.O/19903-D dated 30-4-46 of the Revenue Department.

c) The papers pending in Local-self Department in No. III-V.A.P-1958 dated 10-10-1958 in the Mysore State in the month of January, 1959 of so far compromise of the suit No. 'Special Suit No. 30 of 1956' of Belgaum Civil Judge S.D. Court and praying for cancelling the grant of S.No.333 of Ainapur in Government Order No.RD 34 GD 58 dated 23-12-1958.

d) Paper No.O/13477-P of the Revenue Department of the Bombay Government together with the report of the Collector of Belgaum in this behalf.

e) Papers of the Memorandum of the Bombay Government No.VDS-1853 dated 17-2-1954 together with the letter of the Collector, Belgaum in LGLSR-1174 dated 14-11-1950.

If the copies of the references are not readily available, the same may be obtained from the Bombay Government and submitted to Government immediately.

Yours faithfully,

(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

Rhr/6.5

OFFICE OF THE MINISTER FOR FORESTS & FISHERIES
No. 1552
24 AUG 1964
BANGALORE.

29 78

BEFORE THE HONOURABLE MINISTER FOR FOREST AND FISHERIES

GOVERNMENT OF MYSORE, VIDHANA SOUDHA,

BANGALORE-1.

MYSORE GOVT. SECRETARIAT
No. 4083/72
24 AUG 1964
MINISTER & FOREST DEPT (RECEIPT & ISSUE)

From:

The General Secretary,
The Krishna Kithur Sahakari Samudhayak Besaya Sangh,
Krishna-Kithur,
Taluka Athani, District Belgaum.

Respected Sir,

Sub:- Sanction of 40 acres of land in favour of the Krishna Kithur Sahakari Samudhayak Besaya Sangha, Belgaum.

Ref:- Letter No. AFD 42 FGL 63 dated 30-4-64 from the Secretary to the Government of Mysore, Agriculture & Forest Department.

S. A + F

May be fixed for hearing on 11th Sept. at 3 P.M.

B. RACHAIAH,
Minister for Forests,
Fisheries and Sericulture.

As per letter cited above We had come to meet the Minister of Forest and Fisheries in their Chambers. But they have intimated to us to inform another date to finalised the matter as soon as possible.

Till to day we have not heard anything from you in the matter. There are 500 members are sitting idle without work in these hard days. I wish to state that One of our member has taken training as a Secretary and he is also keeping quite.

In the circumstances explained by me I request you to be so good as to kindly give me an early date to finalised the matter. This is the proper time to cultivate the lands. Hence I most humbly pray your goodself to take immediate action and to give a date early and thus help the members of the Krishna-Kithur Sahakari Samudhayak Besaya Sangh, We have all the connected records in this respect.

Thanking you, Sir,

Yours faithfully,

Camp: Bangalore,

Dated 20-8-1964.

(General Secretary)

M. G. S. App. F VI—G. 2].

21 79

SUBJECT 21 C/7

Recd. Posr. A/D

Diary No. of letter replied to..... Section A-1

Serial No. 42

Mysore Government Secretariat

File No. Fur 63

( )

the 196 .

Proceedings of the Government of Mysore

To

ISSUED

Date of issue 3-9-196 196

Signed by.....

1) Read the Secy
The K.K.S.S.B.S
Krishna Kittur
Athani Tq, Bgm
2) The Chairman
Town Panchayat
Committee
Aimapur
Bgm Dr

May this be—
(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Order thereon.—No.

Sir,

I am directed to refer to the of even no. of 30-6-64, on

80

the subject noted above
I to state that the
meeting is re-fixed for
hearing at 3-00 P.M on
11-9-1964 in the Chambers
of the M(7). You are
required to make it con-
venient to be present with
all the relevant records
to support your case.

4/7

4/SA47

List of Enclosures

Copied by

Examined by

WD 09414—GPB—PZS—1,00,000—31-5-61

M. G. S. App. F VI—G. 2]

33-81

SUBJECT: 25(a) 47

Diary No. of letter replied to.....

Section

Serial No.

File No.

Mysore Government Secretariat

( )

the 196 .

Proceedings of the Government of Mysore

Do No. AFD 42 FLM 63

Date of issue..... 196 .

ISSUED

Date 5/9/196

Read—

Signed by.....

In inviting ref: to h.h. of even no. dt 7-5-64 on the above subject, I am directed to state further that the hearing fixed in the Hl. Secretary K.K.S.S.B.S. & Krishna Kithur, Athani Tq. & the Chairman

May this be—

(i) printed?

(ii) treated as a Standing Order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette, Kannada Part?

Order thereon—No.

T.P.C., Aimaqpur ~~of~~ the case has been ~~has been~~ ~~fixed~~ ~~following~~ fixed at 3-00 P.M on 4-9-64. ~~Hence~~ I am therefore to request you to send the copies of the references called for in U.O. 7-5-64 ~~may be sent to~~ at least by the 10th inst. ~~Not within that date~~ ~~without fail.~~ The matter may kindly be treated as very urgent.

U/S

List of Enclosures

(U.S., A47)

To

A-T.A., to ref

Copied by

Examined by

Release of land - F.S.No.525 and 526
of Ainapur, Belgaum District.

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

ORDER NO. AFD 42 FGL 63,

BANGALORE: DATED: THE JANUARY 1965.

READ: G.O.No.AFD 12 FGL 63, dated 23-2-1963.

PREAMBLE:

Government in their order dated 23-2-1963 had ordered the release of an area of 40 acres out of F.S.No.525 and 526 of Ainapur Village, Athani Taluk on Hangami Lagan basis on certain terms and conditions in favour of Krishna Kittur Sahakari Samudhyak Besaya Sangha for purposes of cultivation.

The Chairman, Town Panchayat Committee, Ainapur, Belgaum Dists. raised an objection in the High Court of Mysore with regard to this grant and wanted the grant to be cancelled in Writ Petition No.808/63. The Hon'ble High Court in their judgment dated 23rd January 1964 quashed the said order of Government but directed that the Government may go into the matter afresh and pronounce on the claim put forward by the Ainapur Village Panchayat after giving an opportunity and hearing them. Accordingly Government heard both the parties and after deep consideration have felt that it is more beneficial and advantageous to grant the land to the welfare of the harijans who are landless.

ORDER:

Considering all aspects of the case, Government are pleased to order the release of an area of 40 acres and 9 guntas in F.S. Nos. 525 and 526 in Ainapur Village, Athani Taluk, Belgaum District and

...2

the area is released to the Revenue Department for disposal as per rules in vogue after the tree growth in the area is disposed of by the Forest Department.

The Chief Conservator of Forests is directed to take further action and submit the draft Notification for publication in the Official Gazette.

By Order and in the name of
the Governor of Mysore,

16/1/65
(T.S.RAMAIYA)
Under Secretary to Government,
Agriculture & Forest Department.

16/1/65

To
The Chief Conservator of Forests in Mysore, B'lore.
The Deputy Commissioner, Belgaum.
The Revenue Department.

Copy to: The Secretary, the Krishna Kithur Sahakari Samudhyak Besaya Sangha, Krishna Kithur, Taluka Athani, Belgaum District.

Release of land - F.S.No.525 and 526
of Ainapur, Belgaum District.
- - -

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

ORDER NO. AFD 42 FGL 63, DATED
BANGALORE, THE 16-1-65

READ:

G.O.No.AFD 42 FGL 63, dated 22-2-1963.

PREAMBLE:

Government in their order dated 22-2-1963 had ordered the release of an area of 40 acres out of F.S.No.525 and 526 of Ainapur Village, Athani Taluk on Hangami Lagan basis on certain terms and conditions in favour of Krishna Kittur Sahakari Samudhyak Besaya Sangha for purposes of cultivation.

The Chairman, Town Panchayat Committee, Ainapur, Belgaum, District, raised an objection in the High Court of Mysore with regard to this grant and wanted the grant to be cancelled in writ Petition No.308/63. The Hon'ble High Court in their Judgement dated 23rd January 1964 quashed the said order of Government but directed that the Government may go into the matter afresh and pronounce on the claim put forward by the Ainapur village Panchayat after giving an opportunity and hearing them. Accordingly Govt. heard both the parties and after deep consideration consider that it is more beneficial and advantageous to grant the land to the welfare of the harijans who are landless.

ORDER:

1. Considering all aspects of the case, Government are pleased to order the release of an area of 40 acres and 9 guntas in F.S.No. 525 and 526 in Ainapur Village, Athani Taluk, Belgaum District and the area is released to the Revenue Department for disposal as per rules in force after the tree growth in the area is disposed of by the Forest Department.

2. The Chief Conservator of Forests is directed to take further action and submit the draft Notification for publication in the Official Gazette.

By Order and in the name of the
Governor of Mysore.

T.S.Ramaiya
(T.S.RAMAIYA)
Under Secretary to Government,
Agriculture & Forest Department.

16/1

Conservator of Forests in Mysore, Bangalore.
Commissioner, Belgaum.
Department.
The Secretary, the Krishna Kithur Sahakari Samudhyak Besaya Sangha, Krishna Kithur, Taluka Athani, Belgaum District.=

86

Release of land - P.S.No.525 and 526
of Ainapur, Belgaum District.

- - -

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

ORDER NO. AFD 42 FGL 63, DATED
BANGALORE, THE 16-1-65

READ:

G.O.No.AFD 42 FGL 63, dated 23-2-1963.

PREAMBLE:

Government in their order dated 23-2-1963 had ordered the release of an area of 40 acres out of P.S.No.525 and 526 of Ainapur Village, Athani Taluk on Rangani Lagan basis on certain terms and conditions in favour of Krishna Kithur Sahakari Samadhyak Seseya Sangha for purposes of cultivation.

The Chairman, Town Panchayat Committee, Ainapur, Belgaum, District, raised an objection in the High Court of Mysore with regard to this grant and wanted the grant to be cancelled in writ Petition No.908/63. The Hon'ble High Court in their Judgement dated 22nd January 1964 quashed the said order of Government but directed that the Government may go into the matter afresh and pronounce on the claim put forward by the Ainapur village Panchayat after giving an opportunity and hearing them. Accordingly Govt. heard both the parties and after deep consideration to consider that it is more beneficial and advantageous to grant the land to the welfare of the harijans who are landless.

ORDER:

Considering all aspects of the case, Government are pleased to order the release of an area of 40 acres and 9 guntas in P.S.No. 525 and 526 in Ainapur Village, Athani Taluk, Belgaum District and the area is released to the Revenue Department for disposal as per rules in a vogue after the tree growth in the area is disposed of by the Forest Department.

2. The Chief Conservator of Forests is directed to take further action and submit the draft Notification for publication in the Official Gazette.

By Order and in the name of the
Governor of Mysore.

T.S. Ramaiya
(T.S.RAMAIYA)
Under Secretary to Government,
Agriculture & Forest Department.

16/1

To

The Chief Conservator of Forests in Mysore, Bangalore.
The Deputy Commissioner, Belgaum.
The Revenue Department.
Copy to:- The Secretary, the Krishna Kithur Sahakari Samadhyak Seseya Sangha, Krishna Kithur, Taluka Athani, Belgaum District.-

hns) 16-1/

Release of land - F.S.No.535 and 536
of Ainapur, Belgaum District.

- - -

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

ORDER NO. AFD 42 FOL 63, DATED
BANGALORE, THE 16-1-65

READ:

G.O.No.AFD 42 FOL 63, dated 22-2-1963.

PREAMBLE:

Government in their order dated 22-2-1963 had ordered the release of an area of 40 acres out of F.S.No.535 and 536 of Ainapur Village, Athani Taluk on Rangani Lease basis on certain terms and conditions in favour of Krishna Kithur Sahakari Samudhyak Seseya Sangha for purposes of cultivation.

The Chairman, Town Panchayat Committee, Ainapur, Belgaum, District, raised an objection in the High Court of Mysore with regard to this grant and wanted the grant to be cancelled in writ Petition No.308/63. The Hon'ble High Court in their Judgement dated 22nd January 1964 quashed the said order of Government but directed that the Government may go into the matter afresh and pronounce on the claim put forward by the Ainapur village Panchayat after giving an opportunity and hearing them. Accordingly Govt. heard both the parties and after deep consideration consider that it is more beneficial and advantageous to grant the land to the welfare of the harijans who are landless.

ORDER:

Considering all aspects of the case, Government are pleased to order the release of an area of 40 acres and 2 guntas in F.S.No. 535 and 536 in Ainapur Village, Athani Taluk, Belgaum District and the area is released to the Revenue Department for disposal as per rules in vogue after the tree growth in the area is disposed of by the Forest Department.

2. The Chief Conservator of Forests is directed to take further action and submit the draft Notification for publication in the Official Gazette.

By Order and in the name of the
Governor of Mysore.

T.S. Ramaiya
(T.S.RAMAIYA)
Under Secretary to Government,
Agriculture & Forest Department.

16/1

To

The Chief Conservator of Forests in Mysore, Bangalore.
The Deputy Commissioner, Belgaum.
The Revenue Department.
Copy to:- The Secretary, the Krishna Kithur Sahakari Samudhyak Seseya Sangha, Krishna Kithur, Taluka Athani, Belgaum District.-

hmd) 13-1/

Release of land - F.S.No.525 and 526
of Airapur, Belgaum District.

- - -

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

ORDER NO. AFD 42 FOL 63, DATED
BANGALORE, THE

READ:

G.O.No.AFD 42 FOL 63, dated 25-9-1963.

PREAMBLE:

Government in their order dated 25-9-1963 had ordered the release of an area of 40 acres out of F.S.No.525 and 526 of Airapur Village, Athani Taluk on Ranged Lease basis on certain terms and conditions in favour of Krishna Nithur Sahakari Sangh-dhyak Seraya Sangha for purposes of cultivation.

The Chairman, Town Panchayat Committee, Airapur, Belgaum District, raised an objection in the High Court of Mysore with regard to this grant and vented the grant to be cancelled in writ Petition No.909/63. The Hon'ble High Court in their Judgement dated 23rd January 1964 quashed the said order of Government but directed that the Government may go into the matter afresh and pronounce on the claim put forward by the Airapur village Panchayat after giving an opportunity and hearing them. Accordingly Govt. heard both the parties and after deep consideration to consider that it is more beneficial and advantageous to grant the land to the welfare of the harijans who are landless.

ORDER:

Considering all aspects of the case, Government are pleased to order the release of an area of 40 acres and 9 guntas in F.S.No. 525 and 526 in Airapur Village, Athani Taluk, Belgaum District and the area is released to the Revenue Department for disposal as per rules in a vacant after the tree growth in the area is disposed of by the Forest Department.

2. The Chief Conservator of Forests is directed to take further action and submit the draft Notification for publication in the Official Gazette.

By Order and in the name of the
Governor of Mysore.

T.S. Ramaiya
(T.S.RAMAIYA)
Under Secretary to Government,
Agriculture & Forest Department.

OR
10/1

To

The Chief Conservator of Forests in Mysore, Bangalore.
The Deputy Commissioner, Belgaum.
The Revenue Department.
Copy to:- The Secretary, the Krishna Nithur Sahakari Sangdhyak Seraya Sangha, Krishna Nithur, Taluka Athani, Belgaum District.-

hnd) 10-1/

Release of land - F.S.No.525 and 526
of Alnapur, Belgaum District.

* * *

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

ORDER NO. AFD 42 FOL 60, DATED
BANGALORE, THE

READ:

G.O.No.AFD 42 FOL 60, dated 22-2-1960.

PREAMBLE:

Government in their order dated 22-2-1960 had ordered the release of an area of 40 acres out of F.S.No.525 and 526 of Alnapur Village, Athani Taluk on Ryotwari Lease basis on certain terms and conditions in favour of Krishna Kithur Sahakari Sangh Bandhyak Seva Sangha for purposes of cultivation.

The Chairman, Town Panchayat Committee, Alnapur, Belgaum District, raised an objection in the High Court of Mysore with regard to this grant and wanted the grant to be cancelled in writ Petition No.668/60. The Hon'ble High Court in their Judgement dated 22nd January 1964 quashed the said order of Government but directed that the Government may go into the matter afresh and pronounce on the claim put forward by the Alnapur Village Panchayat after giving an opportunity and hearing them. Accordingly Govt. heard both the parties and after deep consideration consider that it is more beneficial and advantageous to grant the land to the welfare of the harijans who are landless.

ORDER:

Considering all aspects of the case, Government are pleased to order the release of an area of 40 acres and 0 guntas in F.S.No. 525 and 526 in Alnapur Village, Athani Taluk, Belgaum District and the area is released to the Revenue Department for disposal as per rules in force after the tree growth in the area is disposed of by the Forest Department.

2. The Chief Conservator of Forests is directed to take further action and submit the draft Notification for publication in the Official Gazette.

By Order and in the name of the
Governor of Mysore.

T.S. Ramaiya
(T.S.RAMAIYA)
Under Secretary to Government,
Agriculture & Forest Department.

OR
16/1

To

The Chief Conservator of Forests in Mysore, Bangalore.
The Deputy Commissioner, Belgaum.
The Revenue Department.
Copy to:- The Secretary, the Krishna Kithur Sahakari Bandhyak Seva Sangha, Krishna Kithur, Taluka Athani, Belgaum District.

Ind) 15-1/

Release of land - F.N.Nos.525 and 520
of Ainapur, Belgaum District.

* * *

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

ORDER No. AFD 42 FOL 62, BANGALORE

BANGALORE, 1965

READ:

G.O.No.AFD 42 FOL 62, dated 24-2-1965.

PREAMBLE:

Government in their order dated 24-2-1965 had ordered the release of an area of 40 acres out of F.N.Nos.525 and 520 of Ainapur Village, Athani Taluk on Longterm lease basis on certain terms and conditions in favour of Krishna Kithur Sahakari Sanghadyak Seraya Sangha for purposes of cultivation.

The Chairman, Town Panchayat Committee, Ainapur, Belgaum District, raised an objection to the High Court of Mysore with regard to this grant and wanted the grant to be cancelled in writ Petition No.908/65. The Hon'ble High Court in their Judgement dated 22nd January 1966 quashed the said order of Government but directed that the Government may go into the matter afresh and pronounce on the claim put forward by the Ainapur Village Panchayat after giving an opportunity and hearing them. Accordingly Govt. heard both the parties and after deep consideration to consider that it is more beneficial and advantageous to grant the land to the welfare of the harijans who are landless.

ORDER:

Considering all aspects of the case, Government are pleased to order the release of an area of 40 acres and 0 guntas in F.N.Nos. 525 and 520 in Ainapur Village, Athani Taluk, Belgaum District and the area is released to the Revenue Department for disposal as per rules in a week after the tree growth in the area is disposed of by the Forest Department.

2. The Chief Conservator of Forests is directed to take further action and submit the draft Notification for publication in the Official Gazette.

By Order and in the name of the
Governor of Mysore.

J.S. Ramaiya
(J.S.RAMAIYA)
Under Secretary to Government,
Agriculture & Forest Department.

PR
16/1

To
The Chief Conservator of Forests in Mysore, Bangalore.
The Deputy Commissioner, Belgaum.
The Revenue Department.
Copy to:- The Secretary, the Krishna Kithur Sahakari Sanghadyak Seraya Sangha, Krishna Kithur, Taluka Athani, Belgaum District.

Land 15-1/

Subj:- W/P No. 808/63 -

AFD 5337/64.

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1) The main file No. AFD 42 FRL 63 (Sup) stands marked to Secy., A&F on 8-10-1964. Hence this may be marked to P.A. to Secy, A&F to give the stage of the file.

CR
19/XI

PA to Secy.

M
20/11

2) JR
2/12/64

(T. S. RAMAIYA)
Secretary to Government,
Agriculture & Forest Departments.

AGRICULTURE & FOREST
8097
3 DEC 1964
GOVERNMENT OF

3) The file has been sent to M-Forest on 12-10-64. vide 6328/Secy.

8
3/12

ASR)

OFFICE OF THE MINISTER FOR FORESTS & FISHERIES
No.
4 DEC 1964
BANGALORE.

4) The reply of C.C.F clearly indicate that ~~all~~ the references ~~called for by us~~ ~~is yet to~~ now sent are only a few do not complete our requirements. As indicated at 'A' in P.U.D. we have to await a further reply. This is sent in continuation of the file already submitted to the Minister on 12.10.64.

JR
3/12/64

PS to Minister for Forests

(T. S. RAMAIYA)
Under Secretary to Government,
Agriculture & Forest Departments.

No.B3-GFL-4134/62-63.
Encls 5

Chief Conservator's Office
Bangalore:Dated: 6th November 64.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

MYSORE GOVT. SECRETARIAT
No. 5337/SI
10 NOV 1964
AGRL. & FOREST DEPT (RECEIPT & ISSUE)

Sub:-Writ Petition No.808 of 1963 - The Chairman, Town Panchayat Committee, Ainapur, Belgaum VS the State.

Ref:-Your letter No.AFD 42 FGL 63 dated 7-5-1964.

- - - -

I enclose herewith a copy of letter No.LGLSR-1174 dated 14-11-1950 of the Collector of Belgaum referred to in para (e) of your letter under reference for perusal. It is reported by the Deputy Commissioner Belgaum that the other documents are not available in his office and that they might have been included in the case papers sent to the High Court of Mysore in Reg. appal No.297/1960. Hence the Advocate General may please be addressed to send these references if they are available in the file pending in the High Court. A copy of report received from the Conservator of Forests Belgaum Circle is enclosed for perusal. The documents referred to in para (c) of your letter may please be obtained from the concerned Department of the Secretariat. As regards the other orders issued by the Bombay Government, I am requesting the Secretary Agriculture and Forest and Secretary Revenue Departments ~~xxxxxxxx~~ Maharashtra State, Bombay to make available these references and on their receipt they will be submitted to Government.

10/11/64

Yours faithfully,

Chief Conservator of Forests.

93
3

Letter.

Subject: Grant of land to the Co-operative - Tenant Farming Society at Ainapur.

No.LGLSR-1174
Belgaum, 14 November 1950.

To

The Secretary to Government,
Revenue Department, Bombay.

The Soil Conservation Officer submitted proposals to Government that an area measuring 921 acres and 15 gunthas classed as "D" in Ainapur village should be assigned for grazing under Sec. 38 of the Land Revenue Code. Accordingly, Govt. in Agriculture and Forests Department directed in their letter No.4623/1992-G dated 10-2-1950 that the above mentioned area should be assigned for grazing of the village cattle at Ainapur. The Mamlatdar reports that the villagers of Ainapur have formed a Co-operative Society viz. Co-operative Tenant Farming Society to cultivate the lands on co-operative basis and have applied for an area of 305 acres 11 gunthas consisting of forest lands as detailed in the margin out of the total area of 921 acres 15 gunthas of the village. The Mamlatdar further reports that the area of 305 acres 11 gunthas is better suited for cultivation. The Land Utilization Survey Officer, while remarking that this forest area has got fertile black soil of more than 18" depth and is fit for cultivation, recommended that the villagers objected its being given out for cultivation. The villagers have now no objection and the proposals to register the Society are before the Assistant Registrar of Co-operative Societies Belgaum who is of the opinion that there is full scope for development of the society if the land is granted for cultivation. In the circumstances, I would request you to move Government to accord sanction to the grant of an area of 305 acres, 11 gunthas of Ainapur for cultivation to the Co-operative Tenant Farming Society.

S.No.	Area.
333	144-37
154	28-35
407	13-15
507	21-00
525	19-08
526	21-01
530	56-35
	305-11

(that it should be reserved for grazing mainly on the grounds)

The papers of the case accompany.

Sd/-
for Collector, Belgaum.

O.C. signed by the Collector.

/COPY/

D. Nanjundappa
Conservator of Forests,
Belgaum Circle.

94.5

Subject: Writ petition No.808 of 1963 - the Chairman, Town Panchayat Committee Ainapur Belgaum Vs. the State.

No.FOP/GFL/GH/406. of 64-65.
Belgaum 22-9-1964.

To

The Chief Conservator of Forests
in Mysore,Bangalore.

Sir,

Reference : Your No.B-3-GFC/4134 of 16-5-1964.

I submit herewith copy of the letter No.FOP/GFL/16-17 of 8-9-1964 of the Divisional Forest Officer,Ghataprabha Division,Gokak along with the accompaniments for favour of perusal. A copy of letter No.LGLSR 1174 dated 14-11-1950 of the Collector of Belgaum is available. As could be seen from the letter of the Deputy Commissioner, Belgaum's No.RB-LGR-1174 of 13-8-1964, the references required may be available in the case papers sent to high court regarding Civil appeal No.297/1960. If they are not in the pertinent case, the same may be obtained from the Bombay Government of Bombay.

Yours faithfully,

D. Nanjundappa
(D.Nanjundappa.)
Conservator of Forests,B.C.

MM/18-9

Copy of letter No.FOP/GFL/16/17(63-64)/64-65 dated 8-9-1964 from the Divisional Forest Officer,Ghataprabha Division,Gokak addressed to the Conservator of Forests,B.C., Belgaum.

"Subject: Writ Petition No.808 of 1963...
The Chairman, Town Panchayat Committee
Ainapur - Vs. The State.

Reference: Your No.FOP/GFL/HK/406/62-63/64-65
dated 26-5-1964.

The case worker of this office was sent to the Deputy Commissioner,Belgaum's office to take out the copies of the documents referred to above in your reference. The Deputy Commissioner,Belgaum was able to give only copy of his letter No.LGLSR-1174 dated 14-11-1950 and remaining documents not available. He further informs that the other documents referred to are not traced in his office and hence their copies cannot be supplied. A copy of the letter No.RB/LGR-1174 dated 13-8-64 is enclosed herewith for favour of perusal. As such the copies of original documents may kindly be obtained from the Bombay Government."

/COPY/

D. Ravindappa
Conservator of Forests,
Belgaum Circle.

No.RB/IG R-1174

Office of the Deputy Commissioner,
Belgaum: Dated 13-8-1964.

To

The Divisional Forest Officer,
Ghataprabha Division,Gokak.

Sir,

Subject: Writ petition No.808 of 1963 -
The Chairman, Town Panchayat Committee,
Ainapur - Vs. The State..

Reference this office letter No.RB/FOR-WS-1748 dated 7-8-1964 and a copy of your letter No.FOP/GPL/16/17(63-64)/ 1964-65 dated 30-5-1964 received with your office clerk Sri. Mujawar.

2. A copy of this office letter No. even dated 14-11-50 is sent herewith. The other documents referred to by you are not traced in this office and hence their copies cannot be supplied to you. The said documents might have been included in the case papers sent to the High Court of Mysore in Reg. appeal No.297/1960(please vide the Dist. Govt. Pleader, Belgaum's letter - No.495 of 1963 dated 19-9-1963, a copy of which is enclosed herewith.

Yours faithfully,

Sd/-
for Deputy Commissioner,Belgaum.

O.C. signed by the
H.Q.A. to the Dy.
Commissioner.

/ Copy /

Conservator of Forests,
Belgaum Circle

Copy of the D.G.P.Belgaum's letter No.495 of 1963 dated 19-9-1963 to the Dy.Commissioner,Belgaum.

....

Sub: Spl. Suit No.30/56. The Village Panchayat, Ainapur Taluka Athani Vs. the State of Mysore.

With ref. to your letter No.RB/LGR-1174 dated 10-9-1963, I have the honour to state as follows:-

All the original case papers in the above suit were already submitted by the District Court to the High Court of Mysore, Bangalore, in Reg. Appeal No.297/1960 through the Civil Judge, Senior Dn.,Belgaum. Hence all case papers sent under your above number are returned herewith for necessary action.

/COPY/

D. Ranganadappa
Conservator of Forests.
Belgaum Circle

98
13

No.B3-GFL-4134/62-63.

Chief Conservator's Office
Bangalore:Dated: 6th Nov. 1964.

9

To

The Secretary to Government,
Agriculture and Forest Department,
Maharastra State,
Bombay.

MYSORE GOVT. SECRETARIAT AGRL. & FOREST DEPT. (RECEIPT & ISSUE) No. 5338/FB 10 NOV 1964

Sir,

Sub:-Writ petition No.808 of 1963 - The Chairman, Town Panchayat Committee Ainapur, Belgaum VS The State.

- - - -

I request you kindly to send a copy of Bombay Government letter No.4623/992-G dated 10-2-1950 as the same is required for reference in connection with the above case.

Yours faithfully,

Chief Conservator of Forests.

10/11/64

Copy submitted to the Secretary to Government, Agriculture and Forest Department with reference to letter No.AFD 42 FGL 63 dated 7-5-64 and in continuation of this office letter of even No. dated.6/7.-11-64....The matter may also please be taken up with the Maharastra Government at Government Level.

N.

99 15

No.B3-GFL-4134/62-63.

Chief Conservator's Office
Bangalore:Dated: 6th November 1964.

To

The Secretary to Government,
Revenue Department,
Maharastra State,
Bombay.

MYSORE GOVT. SECRETARIAT AGRI. & FOREST DEPT. (RECEIPT & ISSUE) No.5339/FB 10 NOV 1964

Sub:-Writ Petition No.808 of 1963 - The Chairman, Town Panchayat Committee Ainapur, Belgaum VS The State.

- - - -

I request you kindly to send copies of the marginally noted Bombay Government orders as they are required for reference in the above case.

(i) Government letter No.0/10903-D dated 30-4-46 of the Revenue Department.

(ii) Paper No. 0/13477-P of the Revenue Department of the Bombay Government together with the report of the Collector of Belgaum in this behalf.

(iii) Memorandum of the Bombay Government No.VDS-1853 dated 17-2-1954.

10/11/64

Yours faithfully,

Chief Conservator of Forests.

Copy submitted to the Secretary to Government, Agriculture and Forest Department with reference to the letter No.AFD 42 FGL 63 dated 7-5-64 and in continuation of this office letter of even No. dated. The matter may also please be taken up with the Maharastra Government at Government Level.

N.

100

No.B3-GFL-4134/62-63.

Chief Conservator's Office
Bangalore: Dated: 1st February 1965.

To

The Secretary to Government of Mysore,
Agriculture and Forest Department,
Bangalore.

MYSORE GOVT. SECRETARIAT (ISSUE) AGRL. & FOREST DEPT. (RECEIPT) No. 662/63 03 FEB 1965

Sub:-Writ Petition No.808 of 1963- the Chairman ~~Mar~~ Town Panchayat Committee Ainapur Belgaum V/S the State.

- - - -

In continuation of this office letter of even No. dated 6/9-11-1964, I enclose herewith a copy of letter No.D/188272-P dated 24-12-64 received from the Secretary, Revenue and Forests Department, Maharashtra Government for perusal. In this connection I invite your reference to the Government ~~in their~~ order No.AFD 42 FGL 63 dated 16-1-1965, under which final orders have been issued after hearing both the parties. The Conservator of Forests Belgaum Circle is being asked to take further action as per the Government Orders.

Yours faithfully,

CHIEF CONSERVATOR OF FORESTS.

For perusal.

Please put up in the connected file.

(T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Dept.

Copy of letter No.0/188272-P. dated 24th December 1964, from the Under Secretary to the Government of Maharashtra, Revenue and Forests Department, ~~to the~~ Bombay, to the Chief Conservator of Forests in Mysore, Bangalore.

- - - -

Sub:-Writ Petition No.808 of 1963-the Chairman Town Panchayat Committee Ainapur Belgaum V/S the State.

- - - -

With reference to your letter No.B3-GFL-4134/62-63 dated the 6th November, 1964 on the subject mentioned above. I am to state that this departments letter No.0/19903-D, dated the 30th April, 1946 and the proceeding in case No.0/13477-P, are not available and presumably the record has been transferred to the Government of Mysore. So also, the record pertaining to item (iii) of your letter is not available. In this connection the Collector of Belgaum is likely to have the record required by youplease therefore write to the Collector of Belgaum in the matter.

- - - -

"COPy"

Chief Conservator of Forests.

Village Panchayats:
Bombay Village Panchayats Act, 1933.
Vesting of Government properties
in-under Section 22-B of.

GOVERNMENT OF BOMBAY.

Local Self Government and Public Health Department,
Resolution No.S.251.

Bombay Castle, 9th June 1950.

Letter from the Collector of Broach No. V.P.A/113 dated the 25th June 1949. Endorsement from the Commissioner, Northern Division. No. VP.170, dated the 24th December 1949.

Resolution. In exercise of the powers conferred by Section 22-B of the Bombay Village Panchayats Act, 1933 (Bom. VI of 933), Government is pleased to pass the following Orders in respect of the vesting in Village Panchayats of the Government properties, viz. open sites, waste lands, vacant lands, grasing lands, Public roads and Public streets, river-beds and trees which are situated within the limits of the Village Panchayats:-

1) Open sites. Open lands vesting in Government and contained in the Village site proper, but not used as streets or roads, may be useful for open air spaces, children's Play-grounds, spaced where villagers may hold meetings, mass prayers, etc., irregular and small pieces of such open sites along roads should be vested fully and unconditionally in the village Panchayats. The remaining open sites, e.g., sites, used for Playgrounds, bazers and entertainments should be vested in the Panchayats subject to the condition that they shall be used for the purpose ~~at~~ for which they are being used at present and no structures of a permanent or semi-permanent type, ~~either~~ other than structures which will not prejudice the use of the sites for the specific purpose, should be allowed to be erected on them except with the previous permission of the Collector. The Village Panchayats may let out these open spaces for periods upto 30 days at a time for purely temporary

temporary uses e.g.for holding entertainments, for erection of mandaps etc., and retain the fees realised, care being taken to see that the Open spaces are maintained in a tidy and clean condition by them. No lease except a purely temporary lease of the type mentioned above or sale or other transfer of such open sites by the Panchayat shall be valid without the previous sanction of the Collector. The sites will be liable to be resumed for breach of conditions without payment of compensation.

Sites which are intended for disposal to private individuals should not be vested in the Panchayats.

2) Waste lands. These are lands outside the Village site but not earmarked for any specific Public purposes like threshing floor, burial and burning ground, etc.,. Such lands which can be brought under cultivation should not be vested in the Panchayats. Waste lands unfit for any kind of cultivation should not also be vested in the Panchayats but the Collector should allow village Panchayats to remove, free of charge, earth or stones from such waste lands if required by the Panchayats for their own use provided that the utility of the lands and sanitation etc., of the lands are not ruined.

3) Vacant lands. These are lands outside the Village site proper but assigned for specific purposes, for example playgrounds, threshing floors, burial and burning grounds, Cart stands, Cattle stands, etc., other than grazing areas. Such vacant lands should be vested in the Panchayats subject to the conditions (i) that they are used for the purposes for which they are assigned, (ii) that they shall be properly managed and not used for making profit, (iii) that no lease, sale or other transfer of such vacant lands by the Panchayat shall be valid without the previous sanction of the Collector and (iv) they will be liable to be resumed without compensation for breach of conditions.

4) Grazing lands. These are lands outside the village site and assigned specifically for grazing the village cattle. These grazing lands should be vested in the Panchayats subject to the conditions that (i) no villager is prevented from grazing his Cattle kept by him in the village, provided the grazing fees, if any, fixed by the Panchayat are paid by him, (ii) that the grazing land is kept in a good condition to the satisfaction of the Collector or the District Agriculture Officer insofar as per G.Corri L.S.G. and P.H.D.No.S.251 of 3-1-1951. (iii) that no lease, sale or other transfer of such grazing lands by the Panchayat shall be valid without the previous sanction of the Collector, (iv) that they shall beliable to be resumed for breach of conditions without compensation.

5) Public Roads and Public Streets. Public Roads and Streets vesting in the Revenue Department should be vested in the Panchayats subject to the conditions (i) that they are kept in a good condition, (ii) that no lease except a purely temporary lease of the type mentioned below or sale or other transfer of any part of such public roads and streets by the Panchayat shall be valid without the previous sanction of the Collector and (iii) that they shall be liable to be resumed for breach of the conditions without compensation.

The Panchayats may permit erection of temporary mandaps on these roads and streets on payment of small fees, but after the period for which such permission is given is over the persons concerned should fill up the holes, etc., and restore the road or street to its Original condition.

6) River Beds, River beds should not be vested in the Panchayats.

7) Trees. Trees along public roads and streets other than those in-charge of the Public Works Department or the District Local Boards and those standing in open spaces belonging the Government within the Village site should be

should be vested in the Panchayats. Similarly, trees standing on vacant spaces vested in the Panchayats should also be vested in them. The Panchayats should not, however, be allowed to cut the trees unless they are found to be dangerous or dead but they should be allowed to sell the fruits or other products of those trees and to retain the sale proceeds for their use. Dead, fallen or felled trees from the lands vested in the Panchayats should be taken over by them and the proceeds derived by their use. Dead, fallen or felled trees from the lands vested in the Panchayats should be taken over by them and the proceeds derived by their sale should be appropriated by them.

Trees standing on un-occupied and Agricultural lands belonging to Government should not be vested in the Panchayats.

3) Orders regarding vesting of Village Chavadis or Choras in the Panchayats will be issued separately.

BY ORDER OF THE GOVERNOR OF BOMBAY.

Sd/- D.D.Mirchandani
Secretary to the Government of Bombay.

" TRUE COPY "

Village Panchayats
Bombay Village Panchayats Act, 1933.
Vesting of Government Properties
in

GOVERNMENT OF BOMBAY,

Local Self Government and Public Health Department.

Government Memorandum No. VDS-1853.

Bombay Castle, 17th February 1954.

Certain points have arisen regarding the implementation of the Orders contained in Government Resolution, Local Self Government and Public Health Department, No. S-251, dated the 9th June 1950, and Government Letter, Local Self Government and Public Health Department, Nos. S-251/49637-C, dated the 24th October 1951. Government have considered the same and is pleased to issue the following instructions in the matter:-

Points.	Instructions.
1. The need practical or theoretical of asking the Prant Officers of the Collectors to pass formal Orders or to prepare lists showing properties which are vested in the Village Panchayats and the conditions if any subject to which the vesting has been made.	Attention is invited to Government Letter, Local Self Government and Public Health Department, No.S-251/49637-C dated the 24th October 1951 addressed to the Director of Local Authorities, Southern Division, Belgaum, copies of which were endorsed to all Collectors wherein it is stated that the question of delegating the powers of Government under Section 1129(1) to any authority does not arise. The only thing required to be done is to prepare lists, of all properties vested in the Village Panchayat and the conditions, if any, subject to which the vesting has been

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has been made. These lists should be prepared at once by the Mamlatdars and their copies supplied to the village Panchayats. Properties which are in possession of and are managed by individuals or bodies e.g. burning or burial grounds etc., should not be included in the lists pending further Orders.

2. The need for executing agreement evidencing the vesting of properties in the Village Panchayats.

No such agreement is necessary.

3. In what manner the vesting of properties in Village Panchayats will be recorded in Village Forms and Village accounts.

This will be recorded in V.S.I. and V.F.VII. In case of properties to which the R of R does not apply, index cards (V.F.No.VII) should be opened as in case of gaothan plots and the conditions of vestingnoted therein.

4. The procedure for ensuring that the conditions subject to which the properties have been vested are enforced and that detection of breaches of conditions is not neglected.

A separate Register (similar to that maintained for New Tenure lands) should be maintained at each Village where there is a Village Panchayat, and all Government properties vested in Village Panchayats should be entered therein. All Inspecting Officers should ensure ~~xxx~~ that there is no breach of any condition attached to such properties and that in cases breach, action is taken for the

.....3.

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for the resumption of the properties as provided for in the Government Resolution of 8th June 1950.

2. Government has received complaints that in large number of cases, properties vested in Village Panchayats have not yet been handed over to them Government is, therefore, pleased to direct that all properties vested in the Village Panchayats should be handed over to them and the orders issued in Government Resolution. Local Self Government and Public Health Department, Nos. G-251 dated the 9th June 1950. Government letter, Local Self Government and Public Health Department, No. S-251/49637-C dated the 24th October 1951 and Government Resolution, Local Self Government and Public Health Department No.S-251, dated the 25th May 1953, are fully implemented immediately without any further delay. Reports of the action taken should be submitted to Government by all Collectors within two months.

3. The Directors of Local Authorities, are requested to translate these orders into regional languages and supply copies there of to the Village Panchayats in their Division.

BY ORDER AND IN THE NAME OF THE
GOVERNOR OF BOMBAY.

Sd/- B.J.Naik,
Under Secretary to Government.

" TRUE COPY "

Subject:- Grant of land to the Co-operative Tenant Farming Society at Ainapur.

No. L.C.L.S.R. - 1174,
Belgaum, 14th November 1950.

To

The Secretary to Government,
Revenue Department,
Bombay.

The soil conservation Officer submitted proposals to Government that an area measuring 921 acres and 15 gunthas classed as 'D' in Ainapur village should be assigned for grazing under Section: 38 Land Revenue Code. Accordingly, Government in Agriculture and Forests Department directed in their letter No. 4622/1950-C, dated 10-8-1950 that the above mentioned area should be assigned for grazing of the Village Cattle at Ainapur. The Mamlatdar reports that the villagers of Ainapur he formed a Co-operative Society viz., Co-operative Tenant Farming Society to cultivate the land on Co-operative basis and have applied for an area of 305 acres, 11 gunthas consisting of Forest Lands as details in the margin, out of the total area of 921 acres and 15 gunthas of the village. The Mamlatdar further reports that the area of 305 acres 11 gunthas is better suited for cultivation. The land ulitisation survey officer while remarking that this Forest area has got fertile black soils of more then 18 inches depth and is fit for cultivation, recommended that it should be reserved for grazing mainly on the ground that the villagers objected to its being given out for cultivation. The villagers have now no objection and the proposals to register the society are before the Assistant

Sy.No.	Area. Ar. Gn.
333	144-37
154	28-35
407	13-15
507	21-00
323	19- 3
526	21- 1
530	56-35
	305-11

Assistant Registrar of Co-operative Societies, Belgaum, who is of the opinion that there is full scope for development of the Society if the land is granted for cultivation. In the circumstances would request you to move Government to accord sanction to the grant of an area of 305 acres, 11 gunthas of Ainapur for cultivation to the Co-operative, Tenants Farming Society.

The papers of the Case accompany.

Sd/-D.G. Hosangadi,
for Collector of Belgaum.

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/TRUE COPY/

No. TDB/PLN/32/62-63.

Office of the
Taluk Development Board,
Athani, dated 23-1-1963.

READ: 1. Order No. P & D 93 DCC 60 dated 4-5-1961.

2. T.D.B. meeting Resolution No.6 dated 30-7-1962.

3. Letter from Divisional Forest Officer, Ghataprabha, dated 30-7-1962.

O R D E R.

The Town Panchayat Committee Ainapur has proposed to implement the Farm Forestry Scheme in its Panchayat during 1962-63. The scheme has been administratively approved by the Taluka Development Board, Athani, in its meeting held on 30-7-1962, under its resolution No.6 and is technically sanctioned by the Divisional Forest Officer, Ghataprabha under ~~his~~ his letter quoted at 3 above. The scheme is therefore sanctioned as indicated below.

1. Name of Town Panchayat Committee: Ainapur.
2. Total acres for Farm Forestry: 30 acres to be undertaken.
3. Total cost of Farm Forestry for 30 acres at Rs.42/- per acre i.e., 42 x 30 = Rs.1,260/-.
4. Govt. aid to be paid at Rs.20/- per acre, i.e., Rs.20 x 30 = Rs.600/-.
5. V.P.C. share at Rs.22/- per acre, i.e., Rs.22 x 30 = Rs.660/-.
6. Amount of subsidy for raising nursery at Rs.5/- per acre, Govt. share for 30 acres, Rs.150/-.

The amount is debitable to the head "10 Forest B. Conservancy and works b-1(ii) VI" and met from the sanctioned grants during the current year as non-recurring.

Sd/- xx xx xx
Chief Executive Officer,
T.D.B. Athani.

Copy submitted to: 1.
2.
3.
etc.,

---:oo0oo:---

/TRUE COPY/

THE EXTRA ASSISTANT JUDGE, BELGAUM.

Civil Appeal No.311/54.

Civil Suit No. 12/1953.

(Sri R.S.Nagarkatti) Athani, Notes: Para 8 onwards relevant.

Sri V.P.Kittur. 1. The Village Panchayat of Ainapur, Taluka: Athani. ...Plff.

-Versus-

Sri N.P. Joshi. 1. Ugar Sugar Works Ltd., Ugar-Khurd. ...Deft.

Rs.424/- for Court-Fees and Jurisdiction.

This appeal has been directed against the Judgment and Decree of the Civil Judge, Junior-Division, Athani ((Mr.R.S. Nagarkatti) dated 10-8-1953 in Regular Civil Suit No.12 of 1953 on his file.

2. This action was commenced by the plaintiff to obtain a perpetual injunction restraining the deft. from laying Hume Pipes in the Land in suit and from cutting the Trees standing thereon and to cover a sum of Rs.420/- by way of Damages along with future interest and costs of the suit. The case stated in the plaint was briefly as follows:-

The land bearing R.S.No.333 of Ainapur comprising 144 acres 27 gunthas was classified as village forest and being used as a grazing land for the village. The ownership of this land originally vested in the Government. It was transferred to the plaintiff on 22-3-1943 for the purposes of Management and its ownership was subsequently vested in him in purusuance of the Government Orders issued under Section: 22(b) of the Village Panchayats Act. On 16-7-1951, the Defendant applied to the plff. for permission to lay a pipe line in this land, but that request was not granted and

and the defendant there-after approached the Government and on the strength of the permission obtained from the Collector and the Prant Officer, started laying a pipe line in the land and cut some ~~4~~ trees situate therein. After the plaintiff became aware of these unlawful acts, an objection was taken to the work that was being done by the defendant and as the deft. took his stand on the orders of the Collector and Prant Officer, the Present suit for an injunction became necessary. It was alleged that about 70/ trees were cut and removed by the deft and damage to the extent of Rs.420/- was the eby caused to the plaintiff. That amount was therefore claimed from the deft in this suit.

3. The suit was resisted by the defendant through its general Manager as per its written statement at Exh.30. It was contended that the land belonged to Government and the same was given to the plaintiff merely for the purpose of Management and maintenance as a grazing land for the village cattle. The Government had, therefore, full authority to grant the permission and in purusuance of the permission granted by the Collector, a line of Hume Pipes was being laidin the land. The trees that were cut did not amount to 70 and the plaintiff's claim in that behalf was exaggerated, but whatever trees were cut in pursuance of the permission granted by the Prant Officer and the plaintiff was not entitled to take any exception to the same. It was further contended that the Government was a necessary party to the suit and the suit as framed was not competent for want of a notice under Sec: 80 of the Civil Procedure Code.

4. Issues for decision were framed at Exh.17 and on a consideration of the materials before him, the learned Trial Judge took the view that the land in dispute was not vested in the plaintiff and the Collector had, therefore,

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therefore, the power to grant the necessary permission to the defendant to cut the trees and to lay the proposed pipe line in the land in dispute. We further hold that the Government of Bombay was not a necessary party and the suit as framed was maintainable in law. As the finding on the main question went against the plaintiff, his suit was dismissed with costs and that decision is now being challenged by the plaintiff in this appeal.

5. The technical contentions in regard to the maintainability of the suit and non-joinder of the necessary parties were not pressed before me in this appeal. On the arguments advanced at the Bar, the sole point for my consideration in this appeal is whether the land in dispute is proved to have been vested in the plaintiff.

6. Differing from the learned Trial Judge, I answer this point in the affirmative.

REASONS:

7. Facts giving rise to this litigation are few and simple and there is no dispute about the same. Sy.No.333 of Ainapur which comprises 144 acres and 37 gunthas is admittedly a village forest as shown in the extract of Record of Rights at Exh. 35 and the same was transferred to the plaintiff, who happens to be the village panchayat of Ainapur, for management under the Collector's order (Exh.36) dated 22-5-1943. The Bombay Village Panchayat Act, 1933, was amended in 1947, by Bombay Act No.60 of 1947, by the additions of Section: 23-B which authorised Government to vest open-sites and vast vacant or grazing lands in the villages in the village Panchayats and in pursuance of that provision, the Government passed Resolution No.B.251/ dated 9-6-1950 (Exh.37) containing the orders in respect of the vesting of such lands and sites in the village panchayat

The plaintiff - Village Panchayat, it appears, was not aware of that resolution when the defendant in this suit, who, happens to be a Sugar Factory known as the Ugar Sugar Works, Ltd., made the application (Exh.34) dated 16-7-1951, and sought the plaintiff's permission to lay a pipe line through Sy.No.333, for the purpose of irrigating the sugar cane crop in the lands belonging to the company. The plaintiff, therefore, informed the company that the permission sought could not be granted, as the land in question was with the plaintiff for Management only. The defendant Company thero-after applied to the Collector of Belgaum for the necessary permission, on 11-9-1951, and directed the defendant company to deposit Rs.500/- by way of Caution Money and to execute the necessary agreement in favour of Government. Thoose directions were duly complied with (vide Correspondence in the File at Exh.47) and the permission granted to the defendant Company, was duly entered the Village Records. (Vide Exhs.35 and 38). In pursuance of that permission, the deft, Company started the work of laying the pipe line sometime in the month of December, 1952. As it was considered necessary to cut the trees standing in the portion in which pipe line was to be laid, the defendant company applied to the Mamlatdar on 23-9-1952, for the necessary permission to cut the Babul trees in that portion and on 5-10-1952 that permission was granted by the Prant Officer, and the defendant company was required by the Prant Officer, and the defendant company was required to deposit an amount of Rs.61-3-6 by way of the value of t ose trees. That amount was duly deposited by the company. But, when the Company's people started cutting the trees, the plaintiff - Village Panchayat raised an objection and finally took recourse to the present suit. It is the case of the plaintiff - village panchayat that the

the land in dispute having been vested in the Panchayat under Section: 28(b) of the Bombay Village Panchayats' Act, the Defendant company has no right either to cut the trees from this land or to lay the proposed pipe line through the same. The defendant on the other hand takes his stand on the permission granted by the Collector and contents that the land was the property belonging to Govt. and it was, therefore, competent to the Collector to grant the permission in question under Section: 37 of the Bombay Land Revenue Code, and the plaintiff is not, therefore, entitled to the injunction claimed in this suit.

8. As has been observed at the out-set, the land in dispute was admittedly transferred to the plaintiff Panchayat for Management under the Collector's order (Ex.36) dated 28-5-1943. But, the Bombay Village Panchayats' Act was amended in 1947, and by act No.60 of 1947 Section: 28(b) came to be inserted in the Act. This section: provides:-

> "For the purpose of this chapter, the State Government may, subject to such conditions and restrictions as it may think fit to impose, vest in a Panchayat Open sites, waste or grazing lands, etc., in the village vesting in the Government."

The land in suit, which is admittedly a forest or a grazing land, was admittedly the property of Government by virtue of Section: 37 of the Bombay Land Revenue Code and the Government was, therefore, competent to vest the same in the village Panchayat of Ainapur (plaintiff) under Section: 28(b). The only question that has to be decided is whether the orders in regard to its vesting have in fact that been passed by the Government. In this connection, the plff Panchayat relies on Government Resolution No.S.261 dated 9-6-1950 at Exn.37. The resolution says:-

"In exercise of the powers conferred by Section: 23(b) of the Bombay Village Panchayat Act, 1933 (Bombay VI of 1933), Govt. is pleased to pass the following orders in respect of the vesting in Village Panchayats of the Government Properties, viz., open-sites, waste-lands, vacant lands, grazing lands, etc., which are situated within the limits of the Village Panchayats."

Those orders are contained in the eight paragraphs that follow. The first para deals with the vesting of open-sites and paragraph-4, which is material for the purpose of this suit, deals with the vesting of grazing lands. It says:-

Paragraph 4:- "Grazing Lands:- These lands are lands outside the village site and assigned specifically for grazing the village cattle. Those grazing lands should be vested in the panchayats su ject to the conditions, that (1) no villager is prevented from grazing his cattle kept by him in the village, provided the grazing fees, if any, fixed by the panchayat, are paid by him; (2) the grazing land is kept in good condition; (3) no lease, sale or other transfer of such grazing lands by the Panchayat shall be valid without the previous sanction of the Collector and that (4) they shall be liable to be resumed for breach of conditions without compensation."

The learned Trial Judge has taken the view that having regard to the wording of the resolution, what is contained therein seems to be nothing but a general directive issued by the Govt. under Section: 23(b) to its Revenue Officers to enable them to put into effect the policy contained therein and unless the necessary further orders under Section: 37 of the Land Revenue Code have been passed by the Collector vesting the land in dispute in the plaintiff - village panchayat, it cannot be said to be vested in that panchayat and as no such orders are shown to have been passed by the Collector, the plff cannotlay any claim to the land and question the Collector's jurisdiction to grant the permission in question in favour of the defendant company. It is no doubt true that having regard to the wording of the resolution and especially the use of the expression 'should be vested', the view taken by the learned Tril Judge appears to be

be fairly plausible. But, a closer examination of the resolution, in my opinion, indicates that the result of the orders contained therein is to vest the grazing lands in villages in the respective village panchayats of those villages. At the very out-set, it is to be noticed that the resolution contains the orders issued by the Government in exercise of the powers conferred by Section: 23 of the Bombay Village Panchayats' Act. That section, as I have already said, authorises the Government to vest the grazing lands belonging to it in the village panchayats. The orders contained in the resolution purport to have been passed in the exercise of those powers. It has further to be noticed that the orders contained in the resolution are in respect of the vesting of the grazing lands and other Government sites in the village panchayats. Paragraph 4 of the resolution relates to the vesting of grazing lands and contains the conditions subject to which the same should be vested. It is true that instead of using the expression "shall be vested" or "are hereby vested", the expression "should be vested" has been used through out the orders contained in this resolution. But, if the necessary importance is given to the facts that the orders in question have been passed by the Government in respect of the powers conferred by Section: 23(b) of the Bombay Village Panchayats Act and that these orders are in respect of the vesting of Grazing lands and other Govt. sites in the Village Panchayats, the conclusion is fairly clear that the purpose of this resolution is to pass the requisite orders in respect of the vesting of grazing lands and other Government properties in the village Panchayats in exercise of the powers conferred by Section: 23(b) of the Bombay Village Panchayats Act. If the resolution as a whole is closely examined, it does not, in my opinion, indicate that

.....page 8.

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that anything remained to be done by Government for the purpose of vesting the grazing lands and other Government sites in the Village Panchayats situate in the State of Bombay. The learned Trial Judge's view that vesting could not take effect unless some further orders in favour of the plaintiff panchayat were passed by the Collector of this District under Section: 37 of the Bombay Land Revenue Code cannot, in my opinion, be supported in the face of the wording of the resolution considered as a whole. The powers conferred by section:28(b) of the Bombay Village Panchayats Act, are conferred not on the Collector; but on the state Government and inasmuch as the State Government has issued the necessary orders in respect of the vesting of Government sites and grazing lands in the exercise of those powers, nothing further remains to be done in the matter.

9. On the side of the plaintiff - Panchayat, my attention was drawn to the Government Memorandum No. VPS-1953 dated 17th Feb. 1954, which contains the instructions issued by Government with a view to clarify some of the points raised in regard to the implementation of the orders contained in Resolution No.S-281 dated 9-6-1950, that is in respect of the resolution at Exh.37. It appears that one of the points raised was whether there was any need, practical or theoratical, of asking the Prant Officers or the Collectors to pass formal orders or to prepare lists showing properties which are vested in the Village Panchayats and the conditions, if any, subject to which the vesting has been made and the instructions issued by the Government in this behalf are that that there is no need of any such orders being issued and the only thing that is required to be done is to prepare lists of all properties and the conditions, if any, subject to which the vesting has been made. On the side of the defendant - Company, it was contended that once a resolution has been passed and the question of

of its interpretation comes before the Court, it is the duty of the Court to interpret the same in the light of the wording used in the resolution and the interpretation put by the Government on that resolution, should not be allowed to influence the decision of the Court. That proposition is no doubt correct. But, I have referred to the Government's view of the resolution in question not because that view is binding on me but merely to show that it is in accord with the view which I have taken quite independently of the instructions in the Government Memorandum of 17-9-54.

10. It was contended that even if the land in dispute is deemed to have been vested in the plaintiff Village Panchayat, the Government is not altogether deprived of its ownership therein, and it was, therefore, competent to the Collector to grant the permission in question to the defendant Company under Section: 37 of the Bombay Land Revenue Code. This argument has already been rejected by the learned Trial Judge in Paragraph No.15 of his Judgment and in my opinion quite rightly. Section: 29 of the Bombay Village Panchayats Act, 1933, clearly shows that every Panchayat is competent to acquire and hold property, both moveable and immoveable, and to lease, sell or otherwise transfer moveable or immoveable property which may become vested in or be acquired by it subject to the limitations contained in that section. It is, therefore, clear that the lands which become vested in the panchayat under Section: 98(b) become the property of the panchayat and the Panchayat has the authority to lease, sell or otherwise transfer the same subject to the limitations contained in Section: 29. It is no doubt true that under the Resolution at Exh.57, the grazing land in question is vested in the plaintiff Panchayat subject to the four conditions contained in ~~Section: 29. It is~~ in para 4 of the Resolution and the

the third condition th that paragraph is that the Panchayat cannot lease or sell or otherwise transfer such grazing land except with the previous sanction of the Collector. In case any further is effected contrary to this condition, the land is liable to be resumed for breach of conditions without compensation. But within the limitations imposed by Section: 39 and paragraph 4 of the Resolution at Exh.37, the land in dispute must be deemed to be the property of the plaintiff panchayat. Therefore, it was the Panchayat alone who could permit the deft. Company to lay the pipe line in the land and to cut the trees which are required to be removed for that purpose. It appears that the whole trouble arose because the panchayat was itself not aware of this legal position when the permission sought by the plaintiff as per Exh.36 was refused on 16-3-1961.

11. In my Judgment the land in suit is vested in the plaintiff Village Panchayat by virtue of the Government Resolution at Exh.37 and the permissions granted by the Collector and the Prant Officer are not, therefore, binding ~~by~~ in the plaintiff. The Injunction claimed in the plaint must, therefore, be granted with a view to restrain the defendant from proceeding with the work in pursuance of the Collector's orders at Exh.47. The plff has claimed a sum of Rs.420/- by way of damages for the trees that have already been cut by the deft. Company. Although the number of trees cut by the company is disputed in the written-statement of the defendant, the learned Trial Judge has carefully considered the evidence in this connection in paragraph 18 of his Judgment and has come to the conclusion that the p aintiff's version in this behalf, which is supported by the reports of the village workmen at Exhs.42 to 44 and the sworn testimony of panchayat's secretary at Exh.40, is entitled to a preference and I do not see any reason to interfere with his

his finding in this behalf which was not challenged before us in the course of the hearing of this appeal. The plff has claimed damages at the rate of Rs.6/- per tree and it was not shown that this rate is open to any just exception. Rs.420/- are, therefore, properly due to the plaintiff on the score of damages for the 70 trees cut by the defendant.

12. In the result this appeal has to be allowed and the Trial Court's Decree set-aside. In view of the fact that the deft. Company was involved in this litigation because of the plaintiff - Panchayat's ignorance of its own powers in respect of this land, the fairest order about costs would, in my opinion, be to direct the parties to bear their own costs in both the courts.

O R D E R.

The appeal is allowed and the defendant is hereby perpetually restrained from laying the house pipes in the land in suit and from cutting the trees standing thereon.

Defendant shall pay to the Plaintiff Rs.420/- by way of Damages as claimed in the plaint.

Parties shall bear their own costs throughout.

6th July, 1965. Extra Assistant Judge, Belgaum.

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/COPY/

ADF

Sri. Datar

GOVERNMENT OF MYSORE

No.LAW 808 LWP 63

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore dated April 10, 1964

Encl: One High Court Order.

Official Memorandum

Sub: W.P.No.808/63 on the file of the High Court of Mysore.
(The Town Panchayat Committee Anapur - Vs - The state of Mysore).

In continuation of Government Order No. LWW 808 LWP 63 dated 19th June, 1963 on the above subject, a copy of the High Court Orders dated 23rd January, 1964 is forwarded herewith for information and necessary action. It is now open to the Government to issue notice to the petitioner and the grantee and consider the question whether the claim pur forward by the petitioner is sustainable.

(P.Ramachandra Rao)
Under Secretary to Government,
Law Department.

To:

The Agriculture and Forest Department, Bangalore with ac file No. AFD 42 FCR 1963

The Development, Panchayati Raj and Cooperation Department, Bangalore;

The Chief Conservator of Forests, Mysore, Bangalore.

*vl.5

It is not denied that before passing the impugned Order, no opportunity had been given to the petitioner to be heard.

It was contended by Sri V.S.Malimath, the learned Counsel for the third respondent, that the lands in dispute do not lie within the panchayat and therefore, the documents referred to earlier do not relate to those lands. This is a point in controversy. This can only be decided after hearing both the parties.

Yet another contention taken on behalf of the respondents is that the lands in question are not grazing lands and therefore, the same could not have been vested in the petitioner. This contention again calls for proof. The petitioner could have adduced the necessary proof only if it had been given an opportunity to be heard.

Lastly, it was contented that there is a presumption under section 135 of the Bombay Revenue Code that the entries in the Record of Rights are correct. It is said, in the instant case, the entries in the Record of Rights show that those lands belong to the Government. The presumption in question is capable of rebuttal. After considering the evidence adduced by the petitioner, it is for the Government to decide as to who is the true owner of the property in question.

To repeat, after carefully examining the records produced before us, we have come to the conclusion that the case pur forward by the petitioner, namely that the property in dispute has been vested in it cannot be brushed aside. It requires examination. Therefore, before arriving at any conclusion on this point, the petitioner must be heard.

In the result, we allow this petition and quash the impugned Order. It is open to the Government to go into the matter afresh and pronounce on the claim put forward by the petitioner after giving it an opportunity to be heard. Before deciding this question, the Third respondent may also be heard. No costs.

Sd/- K.S.Hegde,
Judge.

Sd/- G.K.Govinda Bhat,
Judge.

430/12-2-1964

IN THE HIGH COURT OF MYSORE AT BANGALORE
Dated the 23rd day of Jan. 1964.

Present: The Hon'ble Mr. Justice K.S. Hegde,
and: The Hon'ble Mr. Justice G.K. Govinda Bhat.

WRIT PETITION NUMBER 808 OF 1963

The Town Panchayat Committee,
Anapur, by its chairman, S.B.
Ganiger, of Ainapur, Dist. Belgaum Petitioner.
(By Shri H.B. Datar).

-Vs-

1. The State of Mysore, by its Chief Secretary,
Vidhana Soudha, Bangalore.
2. The Chief Conservator of Forest, B'lor ;
3. The Krishna Kittur Sahakari Samudayak
Besaya Sangha Niyamit Krishna Kittur,
Dist. Belgaum. Respondents.

(By Shri B.Venkataswamy, Govt. Pleader, for Respondent 1 & 2)
(By Shri V.S. Malimath, Advocate for Respondent - 3).

Writ Petition filed Under Articel 226 of the Constitution of India, praying for the issue of a Writ of Certiorari to quash the order No.AFD 42 FGL 63 dated 23-2-63 (page 8) and by means of a Writ of prohibition, to prohibit the respondent from taking any steps in pursuance of the above order etc.,

This petition coming on for hearing this day, Hegde J. made the following:

ORDER

The petitioner prays that this Court may be pleased to quash the Order passed by the first respondent (The State of Mysore) in AFD. 42 FGL 43 dated 23-2-1963, as that Order amounts to taking away the property belonging to the petitioner with out hearing him on that point.

In the affidavit filed on behalf of the petitioner, it is definitely averred that the property in question had vested with the petitioner under section 288 of the Bombay Village Panchayat Act 1933, (Act No-V I of 1933), as ordered by the Government in its Resolution NolS.251 dated 9-6-1950. In support of this avertment, the petitioner had produced along with his petition a copy of the above said Resolution as well as the Memorandum of the Bombay Government No.VDS - 1853, dated 17-2-1954 together with the letter of the Collector of Belgaum in L.G.L.S,R. 1174 dated 14-11-1950. The aforementioned avertments in the affidavit were not denied by the first respondent, which alone is in a position to controvert the allegations made. It is true that the third respondent put the petitioner to proof of the allegations made in the affidavit. The Third respondent could not have been in a position to deny the facts alleged in the affidavit in question. Hence, the denial made by the respondents is of little consequence. Further, as mentioned earlier, these allegations find prima facie support from the documents referred to earlier.

p.t.o.

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C.R.No.U-414-B/25-11-64.
Sri M.B.Hanchinmani.

In The High Court of Mysore at Bangalore.

Dated the 14th day of April 1964.

Before

The Hon'ble Mr. Justice G.K.Govinda Bhat.

Civil Revision Petition No.437 of 1964.

The Village Panchayat of Ainapur. (Plaintiff) ..Petitioner.

(By Sri V.S.Gunjal)

-VS-

Rayappa Shidramappa Khot. (Defendant)..Respondent.

Civil Revision Petition against the Order dated 17-1-64 passed by the Second Additional District Judge, Belgaum, in M.A.No.58 of 1959 reversing that of the Civil Judge, Junior Dn., Athani, in R.O.S.No.7 of 1959.

This petition ~~in~~ coming on ~~the~~ for admission

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this day, the Court made the following:-

O_R_D_E_R

Heard. Rejected.

Sd. G.K. Govinda Bhat,

Judge.

" True Copy "

L. Krishna Murthy

II Deputy Registrar.

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that the Government of Mysore, taking into consideration the meritorious services rendered by the defendant, was pleased to grant him 35 acres of land out of R.S.No.333 of Ainapur village by the order dated 23-12-1958. Pursuant to this order an area of 35 acres was measured and demarcated and put in possession of the defendant by the Tahsildar of Ainapur on 2-1-1959 and that since then he is in possession of it. Therefore the plaintiff has no right in the property.

2. Along with the suit an application for temporary injunction was filed by the plaintiff-respondent and it was granted ex parte and then after the appearance of the defendant-appellant the order was made absolute against which this appeal has been preferred.

3. At this stage, we have to see whether the respondent has made out a case for an issue of an order of temporary injunction. The plaintiff bases its claim on the order passed by the Collector of Belgaum on 22-5-1943 at Ex.55, giving the suit land to the plaintiff for management and control. By this order the Collector has given some lands together with the land in question to the Village Panchayat Committee, Ainapur for management. This being the case, the respondent cannot rely much on this document to prove that the land in question has been vested with it, because giving the land for management does not mean that any right was created in the property.

That is only the learned counsel for the respondent has not stressed much on this document. The next document which has been relied upon by the respondent is Ex.56, which is resolution passed by the Bombay Government in1950 according to which "Opensites", waste lands", Vacant lands" and "grazing lands" have been vested with the Village Panchayat Committees. In view of this resolution it has been contended on behalf of the respondent that superseding Ex.55 the resolution at Ex.56 has vested the suit land with the plaintiff. In reply to this contention it has been argued by the learned counsel for the appellant that the land in question is a forest land; therefore it does not come within the purview of the resolution at Ex.56. In view of these rival contentions, the matter rests on the fact whether the land in question is a forest land or any other land. Inthis connection Ex.4 Record of Rights Extract and Ex.91 Survey Pahani of 1882 may be referred. EX.P-4 says that the suit survey number is a village forest and that the Gram Panchayat is managing it. From thisentry it is evident that the land is a forest land and not any other land. However, in columns 3 and 4 of Ex.91 the land has been described as grazing land and waste land respectively. But, at the same time, in the column 5 it has been described as a forest owned by the government. Much reliance has been placed on behalf of the respondent on the entry of this document. Of course, it has been described to be a grazing land and waste land. But, at the

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Id/-
R.K.

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Sd/-
Record Keeper.

IN THE COURT OF THE II ADDITIONAL DISTRICT JUDGE,

AT BELGAUM.

Ex.22.

Present: Shri Mohmad Nasir Ali, B.Sc.LL.B.,
II Additional District Judge, Belgaum.

Miscellaneous Appeal No. 58 of 1959, from the Order in Suit No. 7 of 1959, of the Court of the Civil Judge, J.D., Athani (Shri D.M. Hangarki).

1. Rayappa Shidramappa Khot, resident of Hubli (P.S.I. Thana, Hubli) ... Appellant.
(Ori.Deft).

.Vs.

1. The Village Panchayat of Ainapur, Resident of Ainapur .... Respondent.
(Ori.Plaintiff).

Claim Rs. 5/-, both for Court-fee and Jurisdiction.

GROUNDS OF APPEAL.

1) That the order of the lower court is contrary to law and evidence.

2) The lower court erred in holding that survey No.333 belongs to the plaintiff village Panchayat of Ainapur.

3) The lower court has failed to see that the land in suit is neither a waste land nor a grazing land, but is a Forest land, which is governed by the Indian Forest Act.

4) The lower court has failed to see that the Provincial Government has no jurisdiction to vest a Forest land in the Gram Panchayat.

5) Thelower court has failed to see that the Gram-Panchayat is not shown as a Kabjedar in the Record of Rights.

6) The application for a temporary injunction made by the plaintiff clearly goes to show that the land in question is not a waste land.

7) The lower Court has failed to see that the dispute is confined only to 35 acres of Survey No.333, which has been granted as a reward to the defendant-appellant.

8) The lower Court is not justified in making unwarranted remarks against the acts of the Deputy Commissioner, the Assistant Commissioner and the Tahsildar who are public servants.

9) The lower Court erred in making out a case for the plaintiff which they have not even suggested in the pleadings much less in the affidavits.

10) The lower Court has failed to see that all the acts done by the Public Servants are presumed

presumed to be regular and in discharge of their official duties.

11) The lower court instead of drawing a presumption arising under section 114 of the Indian Evidence Act, has gone to the extent of making objectionable remarks against the high Revenue Officers by imputing collusion ontheir part with the defendant-appellant.

12) The lower court has failed to see that actual possession has been delivered of 35 acres of land by the Tahsildar on 2-1-1959.

13) The lower court has failed to notice that the plaintiff has mentioned 2nd of January 1959 as the cause of action.

14) The lower Court has not properly considered the Resolution of the Gram-Panchayat, which will clearly go to show that the 35 acres in question were put into the possession of the defendant-appellant by the Tahsildar on2-1-1959.

15) The lower court has taken a perverse view of the whole matter.

16) The lower court erred in holding that in spite of the delivery of possession by the Tahsildar of Athani of the land in question to the defendant, it was an error on the part of the lower court to have held that the plaintiff village panchayat was in possession of the suit land at the date of the suit.

17) The lower court erred in holding that no inconvenience will be caused by ordering a temporary injunction.

18) The lower Court having found the defendant was a resident of Hubli by issuing a temporary injunction, the lower court has given an opportunity to the plaintiff to remove the trees standing in the area granted to the defendant, because there is no temporary injunction against the plaintiff.

19) The whole case has been approached by the lower court from an entirely wrong point of view.

JUDGMENT.

This is an appeal against the order of the learned Civil Judge, J.D., Athani, dated 7-11-1959 passed in the Suit No. 7 of 1959, making absolute the injunction order passed ex parte. The facts are that the respondent-plaintiff, who is the village Panchayat of Ainapur, filed a suit for declaration and perpetual injunction against the appellant - defendant for restraining him from obstructing the possession of the plaintiff of R.S.No.333 of Ainapur with the allegationthat the R.S.No.333 was originally granted to the Village Panchayat of Ainapur in the year 1943 for management and later on by the order of the Bombay Government in the year 1950 by a resolution the suit land vested in the village Panchayat and the village Panchayat is in possession and enjoyment of it; therefore the defendant be restrained from interfering with the possession of the plaintiff. In reply the appellant-defendant contended that

the same time it is a forest land also. Therefore, I think the land in question is not one of those lands described in Ex.56. This fact becomes more clear by the perusal of Exs.79 and 80. It appears that some dispute arose between the Government that the plaintiff with regard to the suit survey number and in that connection the Sarpanch of the plaintiff-village Panchayat Committee wrote a letter to the Divisional Commissioner stating that the suit land together with other lands were given to the Village Panchayat Committee, Ainapur, by the Collector of Belgaum, for management in 1943 and subsequently by the government resolution 251 dated 9-6-1950 all these lands are vested in the said Village Panchayat Committee as owner. Therefore, if the ownership of the Village Panchayat Committee over these lands is admitted, the Village Panchayat committee will have no objection to the said land being continued in possession of the Society to whom the government had granted the lands. This application is Ex.79. In reply to this application the Divisional Commissioner has made the matter quiet clear that the lands including the land in question were given to the Village Panchayat Committee only for management and that the lands are village forest lands therefore they do not come under the Resolution No.251 dated 9-5-1950; hence the claim of the Village Panchayat Committee can not be accepted. In these circumstances, at this stage of the case, it is not possible to hold that the respondent-plaintiff has established a prima

prima-facie ownership of the suit land. This being the case, the government was quite within their power to grant the suit land to the appellant-defendant. The contention of the learned counsel for the respondent that before making such grant the government ought to have given a notice to the respondent does not seem tenable for the simple reason that the respondent was only under management of the suit property and in no way had any title to it. Next it has been contended by the learned counsel for the respondent that as per Ex.57 there is a finding of the court that the suit property belongs to the respondent; therefore the government was not competent to make a grant of it in favour of the appellant. That judgment of the court is between the respondent and a third person to which neither the appellant nor the government is a party; therefore that judgment cannot help much to the respondent.

4. Now, we shall see what is the evidence in favour of the claim made by the appellant. His case is that the suit land has been granted to him by the government. Ex.78 is a copy of the government order which fully supports the claim of the appellant. That order was communicated to the Deputy Commissioner, Belgaum for complainee, who in turn wrote to the Assistant Commissioner, Chikodi Sub-Division, for handing over the possession of the suit land to the appellant. The copy of this letter is at Ex.81. The Assistant Commissioner in his turn wrote to the Tahsildar Athani, for delivery of possession of the suit land to the appellant after

after demarcation. The copy of this letter is at Ex.52. Ex.84 is the panchanama of delivery of possession to the appellant and Ex.83 is the receipt passed by the appellant for receiving the possession. In addition to the above documents, the appellant has filed some affidavits also out of which Ex.40 is the affidavit of the Tahsildar, Athani, who had handed over the possession of the suit land to the appellant in pursuance of the order of the government. In this affidavit he has clearly stated that he handed over the possession of 35 acres to the appellant after demarcation. I see no reason to disbelieve this disinterested and responsible officer. Thus, it becomes evident that on 2-1-1959 the appellant was put in possession of the suit land. The government order granting the suit land to the appellant was passed on 23-12-1958 andas I stated just now, in compliance with that order, the appellant was put in possession on 2-1-1959 therefore the trial court has disbelieved this delivery of possession. According to the trial judge is not possible that government order could be carried out within such a short period. The reasons given by him in his order are not convincing. The appellant, being the interested person, might have taken the government order to the Deputy Commissioner, then to the Assistant Commissioner and then to the Tahsildar for compliance of the order. There is nothing unusual in taking the orders in this manner, Simply because the interested party has taken the order from one offider to the other does not make the prodeedings of delivery of possession suspecious. The Trial Judge has shown no reason

reason why he has disbelieved the affidavit of the Tahsildar filed by the appellant. In my view, the proceeding of delivery of possession is quite in order and according to it the appellant has been put in possession of the suit property. Therefore the respondent whose title over the suit property is in dispute cannot be a temporary injunction against the appellant restraining him from entering into the suit land. Hence the appeal is allowed and the order of the lower court under appeal is set aside. Costs will be costs in the cause.

Dictated to the stenographer, transcribed and after revision, pronounced in open court, this17th January 1964.

Sd/- Mohmad Nasir Ali.

17-1-64.

II Additional District Judge, Belgaum.

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Sri V S Mulimath Advocate for Respondent

IN THE HIGH COURT OF MYSORE AT BANGALORE.

MEMORANDUM OF WRIT PETITION:

(Under Article: 226 of the Constitution of India)

Writ Petition No: 808 /1963.

BETWEEN:

The Town Panchayat Committee, Ainapur, by its Chairman, S.R. Ganiger, of Ainapur, District: Belgaum. — PETITIONER.

AND:

1. The State of Mysore by its Chief Secretary, Vidhana-Soudha, Bangalore.
2. The Chief Conservator of Forest, Bangalore.
3. The Krishna Kittur Sahakari Samudayak Bassaya Sangha Niyamit Krishna Kittur, District: Belgaum.

— RESPONDENTS.

I. The address of the Petitioner for service of all notices and processes is that of his Advocate, Sri H.B. Datar, "Sai-Krupa", No.6/1, Kumara-Park, West-Extensions., Bangalore-20.

II. The address of the Respondents is given in the Cause-title.

III. For the reasons stated and sworn to in the accompanying affidavit, petitioner most humbly prays that this Hon'ble Court in the exercise of its jurisdiction under Article: 226 of the Constitution of India be pleased to:-

(a) Quash by the issue of a Writ of Certiorari or other appropriate Writ, order or direction, the order No. AFD 42 FGL 63 dated 23-2-1963.

....page 2.

(b) Issue a Writ of Prohibition or other appropriate Writ prohibiting the talking of any steps in pursuance of the order No. AFD 42 FGL 63 dated 23-2-1963;

(c) Issue any other appropriate Writ, order or direction as deemed fit in the circumstances of the case including awarding the petitioner the costs of this petition.

IV. That petitioner, further prays that pending the hearing and final disposal of this Writ Petition, the order No. AFD 42 FGL 63 dated 23-2-1963 and any further proceedings thereto be stayed in the interest of justice.

B A N G A L O R E,

Dated: 14-5-63

Sd/ H.K. Datar

ADVOCATE FOR THE PETITIONER.

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IN THE HIGH COURT OF MYSORE AT BANGALORE.

Writ Petition No: /1963.

PETITIONER:- The Town Panchayat Committee, Ainapur.

-Vs-

RESPONDENTS:- The State of Mysore & others.

AFFIDAVIT:

Herein, I, Sri Siddappa Balappa Ganiger, age about 40 years, Ainapur, do hereby solemnly affirm and state as under:-

1) I am the Chairman of the Town Panchayat Committee of Ainapur, District: Belgaum, The Committee has passed a resolution and I have been duly authorised to file this writ petition. Hence I am filing this writ petition.

2) Under the provision of the Bombay Village Panchayat Act, Act No.VI of 1933, a Village Panchayat was established for the village of Ainapur. The administrative powers and duties of the Panchayat are stated in Section: 26 and 26-A prov/ides for Discretiany powers and dutiss. Section: 26(F) provides for the maintenance and regulation of the use of the public buildings, grazing lands, forest lands (includings lands assigned under Section: 28 of the Indian Forest Act 1927), tanks and wells, vesting in and under the control of the panchayat. That is why Section: 28-B provided that the state Government may subject to such conditions, and restrictions as it may think fit to improve, vest in the ~~Panchay~~ Panchayat, open sites, wastage vacant or grazing lands or any other property in the village vesting in the Govt. The village Panchayat being a body cooperate was also by issue of Section: 29 of the Act competent to hold property both

both moveable and immoveable whether with or without the limits of the village over which it has authority and that it was competent to lease,sell, etc., the moveable or immoveable property which has become vested in or by acquired by it. Further Section: 30 provided that all the property vested in the Panchayat has to be applied subject to this provision of the Act.

3) The Government of Bombay in their order letter No. 4623/1992, dated 10-2-1950 assigned an area measuring 921 acres and 15 gunthas and classed as 'D' in Ainapur village for the graz-ing of the cattle and this order was issued under Section: 38 of the Bombay Land Revenue Code. It may be mentioned that from times immorial these lands measuring 921 acres and 15 gunthas was being used by the village community of Ainapur for the Grazing of cattle. The lands now in dispute namely Sy.No. 526 and 527 are 2 of the said lands meant and reserved for grazing purposes.

4) In accordance with Section: 98-B of the Bombay Village Panchayat Act, the Government of Bombay, issued an order vesting all these lands in the village panchayats. A true copy of the said order is filed herewith. Accordingly the lands now in dispute nasely Sy.No.526 -527 which are all all grazing lands vested in the village Panchayat. Therefore the rights of the Government vis-a-vis the Panchayat are governed by the terms of the Govt. order. It may be noted that there was no breach committed and hence they were not liable to be remined by the Govt.

5) However on 23-2-1963, the Govt. of Mysore passed an order granting sanction to the release of 40 acres of the lands in Sy.No.526 - 527 of Ainapur village in favour of the Harijan of Krishna Kittur village on Hangani lagan basis and the Chief Conservator of Forest was

was directed to take further action in the matter. In accordance with the order further action is preferred to be taken. Petitioner having exhausted all the remedies and their being now no other remedy is approaching this Hon'ble Court for relief. Petitioner submits that the order is liable to be quashed for the various reasons set-out in this affidavit.

6) That it is undisputed that these lands along with others have vested in the Panchayat and are in their possession. Even then none of the authorities or the Government gave any opportunity to the petitioner to submit their say in the matter. Petitioner's case is that by ~~issue~~ virtue of the provisions of the Act, it has become vested in then and it is not competent for the authorities to take action, as it is the property of the panchayat. Therefore even though valuable rights to the property of the panchayat was in question, it was not heard and the entire proceedings have been carried on behind the back of the panchayat and this order has been passed. Hence petitioner submits that the order is liable to be quashed, as it offends the principles of natural justice.

7) That petitioner submits that it has been totally overlooked that these lands along with other lands have ceased to be forest lands, as per the order of the Government of Bombay in No. letter 4623/1922, dated 10-2-1950 and they have been expressly reserved for grazing of the cattle. Therefore the order passed and proceedings taken on the basis of that there are forest lands is clearly wrong. Hence the order is liable to be quashed on this grounds.

8) Under the provisions of the Bombay Village Panchayat Act it is the obligatory duty of the panchayat to look to the maintainence of the grazing lands, forest lands (including the lands assigned under Section: 23 of the Forest Act.)

That is why under Section: 73-3 of the Act provision was made enabling the Government to vest the panchayats the lands vested in it. Accordingly an order has been issued vesting the lands in the panchayat and the panchayat having committed no ~~ease~~ of any terms, it was not competent for the Government to take the land from the panchayat. The order is clearly beyonds its powers.

It may be also noted that under the Mysore Act 10 of 1959, a Town Panchayat has been established for the village and it is provided by section: 242 proviso (f) that all the assests etc., of the panchayat under the repealed Act desolves on the panchayat continued under the Mysore Act. So the property vested in the Ainapur village Panchayat has now vested in the Ainapur Town Panchayat and rights remain unaffected. In the Mysore Act 10/59 , Section: 42(m) provides for similar duties and Section: 49(2) & (3) regarding vesting of the lands. It may also be seen that section: 49(2) of the Act only provides for passing order for resuming any property vested in the Panchayat under Section: 49(1) of the Act, and as in the present case it has not vested under Sec: 49(1), the Government was incompetent to order resumption.

10) It may be noted that regards a similar land R.S. No.333 of Ainapur comprising 144 acres and 27 gunthas classified as village forest and used as a grazing lands, which was also vested in this panchayat in persuance of the order of the Government in 1950, the Ugarkhord Sugar Works Ltd., was granted permission by Collector for laying a pipe line in the said land and as the said Co., cut a few trees etc., a suit for injunction was filed. Then in C.A. No.311/1964, the Extra Assistant Judge, at Belgaum held that this land admittedly a forest or grazing land which

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which was the property of the Government under Section: 37 of the Land Revenue Court was vested in the Panchayat of Ainapur under Section: 38 (b) of the Act and the Government had no right whatever and so on 6-7-1955 an injunction was issued. As has been stated the orders of 1950 and 1954 clearly and unequally affirm that the lands have vested in the Panchyat and so the order now issued is illegal.

11) It may be also be seen that the Panchayat has also planned ('Farm Forestry' in those Sy.Nos. and on 3-1-1963 the Chief Executive Officer has approved the same. The Government has also granted subsidy towards the said scheme. It is their's evident then lands are in the possession of the Panchayat and irreparable loss and injury would be caused if it is deprived of the same. Hence an order of stay be issued.

Petitioner further prays for the various orders as Prayed for in the petition.

PLACE: I

I

DATED: I D E P O N E N T.

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PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub:- Release of an area of 40 acres out of F.S.No.525 and 526 of Ainapur Village, Athani Taluk, for being given to the Harijans of Krishna Kithur Village on Hangami lease for fruit cultivation.

READ:

Letter No.B3/GFC/4134/62-63 dated 25-1-1963 of the Chief Conservator of Forests in Mysore, Bangalore, forwarding a report on the representation of Harijans of Krishna Kithur, Athani Taluk to the release of forest land in S.Nos. 525 and 526 of Ainapur for fruit cultivation.

ORDER NO. AFD 42 FGL 63,
Bangalore Dated the 23rd February, 1963.

After examining the representation of the Harijans of Krishna Kithur, Athani Taluka, the Chief Conservator of Forests, has stated that out of the areas desired by the said Harijans only Survey Nos.525 and 526 of Ainapur are in the forest area and the other Survey Nos. Viz.527, 333 having already been disposed of are not available at present and survey Nos.36 of Katral is also outside the jurisdiction of the Forest Department. The Chief Conservator of Forest is not recommending the case on the ground that it has got on an average 10 babul trees per acre and on the ground the Village Panchayat Committee is objecting to the grant in view of the insufficient grazing area for the cattle of the villagers. But on close examination of the report of the District Forest Officer, Gokak Division, it is noticed that this area is an isolated piece of land surrounding on all sides by agricultural lands and is situated at a distance of 15 miles from Athani making it difficult for the forest staff themselves to manage and maintain this bit of land satisfactorily. Taking into consideration the living conditions of the Harijans who have applied for this piece of land and in order to alleviate their conditions, it is found necessary to release this land

this land of 40 acres in favour of the Harijans for raising fruit trees on Cooperative basis which will certainly tend to improve their economic conditions and page the way for their leading on a honourable life.

After taking all these facts into consideration, sanction is accorded to the release of an area of 40 acres of forest land in Survey Nos.525 and 526 of Ainapur village, Athani Taluka in favour of the Harijans of Krishna Kithur village of HANGAMI LAGAN BASIS on the following conditions:-

1. The Harijans should form a Cooperative Tenancy Farming Society, which should be got registered; and

2. They should plant only fruit trees.

If the grantees violate the terms of the above conditions, the lease may be cancelled and the land resumed to Government.

The Chief Conservator of Forest is directed to take further action in the matter.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MYSORE,

Sd/- T.S.Ramaiya,
Under Secretary to Government,
Agriculture & Forest Department

To

The Chief Conservator of Forests, Bangalore (with representation).

The Chief Conservator of Forests, Belgaum.

The Revenue Department.

" copy "

Village Panchayats:
Bombay Village Panchayats Act, 1933.
Vesting of Government properties
in under Section 28-B of.

GOVERNMENT OF BOMBAY.

Local Self Government and Public Health Department,
Resolution No.S.252.
Bombay Castle, 9th June 1950.

Letter from the Collector of Breach No.V.P.A./113 dated the 25th June 1949. Endorsement from the Commissioner, Northern Division No.VP.170, dated the 24th December 1949.

Resolution: In exercise of the powers conferred by Section 28-B of the Bombay Village Panchayats Act, 1933 (Bom.VI of 933), Government is pleased to pass the following Orders in respect of the vesting in Village Panchayats of the Government properties, viz. open sites, waste lands, vacant lands, grazing lands, public roads and public streets, river-beds and tress which are situated within the limits of the Village Panchayats:-

1) Open sites. Open lands vesting in Government and contained in the village site proper, but not used as streets or roads, may be useful for open air spaces, children's play-grounds, spaced where villagers may held meetings, mass prayers, etc., irregular and small pieces of such open sites along roads should be vested fully and unconditionally in the village Panchayats. The remaining open sites, e.g., sites, used for playgrounds, bazers and entertainments should be vested in the panchayats subject to the condition that they shall be used for the purpose for which they are being used at present and no structures of a permanent or semi-permanent type, other than structures which will not prejudice the use of the sites for the specific purpose, should be allowed to be erected on them except with the previous permission of the Collector. The Village Panchayats may let out these open spaces for periods upto 30 days at a time for purely temporary

temporary uses e.g. for holding entertainments, for erection of mandaps etc., and retain the fees realised, care being taken to see that the Open spaces are maintained in a tidy and clean condition by them. No lease except a purely temporary lease of the type mentioned above or sale or other transfer of such open sites by the Panchayat shall be valid without the previous sanction of the Collector. The sites will be liable to be resumed for breach of conditions without payment of compensation.

Sites which are intended for disposal to private individuals should not be vested in the Panchayats.

2) Waste lands. These are lands outside the Village site but not earmarked for any specific Public purposes like threshing floor, burial and burning ground, etc., Such lands which can be brought under cultivation should not be vested in the Panchayats. Waste lands unfit for any kind of cultivation should not also be vested in the Panchayats but the Collector should allow village Panchayats to remove, free of charge, earth or stones from such waste lands if required by the Panchayats for their own use provided that the utility of the lands and sanitation etc., of the lands are not ruined.

3) Vacant lands. These are lands outside the village site proper but assigned for specific purposes, for example playgrounds, threshing floors, burial and burning grounds, Cart stands, Cattle stands, etc., other than grazing areas. Such vacant lands should be vested in the Panchayats subject to the conditions (i) that they are used for the purposes for which they are assigned, (ii) that they shall be properly managed and not used for making profit, (iii) that no lease, sale or other transfer of such vacant lands by the Panchayat shall be valid without the previous sanction of the Collector and (iv) they will be liable to be resumed without compensation for breach of conditions.

4) Grazing lands. These are lands outside the village site and assigned specifically for grazing the village cattle. These grazing lands should be vested in the Panchayats subject to the conditions that (i) no villager is prevented from grazing his cattle kept by him in the village, provided the grazing fees, if any, fixed by the Panchayat are paid by him, (ii) that the grazing land is kept in a good condition to the satisfaction of the Collector or the District Agriculture Officer inseted as per G.Corri L.S.G. and P.H.D NosS.252 of 3-1-1951. (iii) that no lease, sale or other transfer of such grazing lands by the Panchayat shall be valid without the previous sanction of the Collector (iv) that they shall beliable to be resumed for breach of conditions without compensation.)

5) Public Roads and Public Streets. Public +Roads and Streets vesting in the Revenue Department should be vested in the Panchayats subject to the conditions (i) that they are kept in a good condition, (ii) that no lease except a purely temporary lease of the type mentioned below or sale or other transfer of any part of such public roads and streets by the Panchayat shall be valid without the previous sanction of the Collector and (iii) that they shall be liable to be resumed for breach of the conditions without compensation.

The Panchayats may permit erection of temporary mandaps on these roads and streets on payment of small fees, but after the period for which such permission is given is over the persons concerned should fill up the holdes, etc., and restore and the road or street to its Original condition.

6) River Beds, River beds should not be vested in the Panchayts.

7) Trees. Trees along public roads and streets other than those in-charge of the Public Wokrs Department or the District Local Boards and those standing in open spaces belonging the Government within the village site should be,

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should be vested in the Panchayats. Similarly, trees standing on vacant spaces vested in the Panchayats should also be vested in them. The Panchayats should not, however, be allowed to cut the trees unless they are found to be dangerous or dead but they should be allowed to sell the fruits or other products of these trees and to retain the sale proceeds for their use. Dead, fallen or felled trees from the lands vested in the Panchayats should be taken over by them and the proceeds derived by their use. Dead, fallen or felled trees from the lands vested in the Panchayats should be taken over by them and the proceeds derived by their sale should be appropriated by them.

Trees standing on un-occupied and Agricultural lands belonging to Government should not be vested in the Panchyats.

8) Orders regarding vesting of village Chavadis or Choras in the Panchayats will be issued separately.

BY ORDER OF THE GOVERNOR OF BOMBAY.

Sd/- B.D. Mirchandani
Secretary to the Government of Bombay.

" TRUE COPY "

Village Panchayats
Bombay Village Panchayats Act, 1933.
Vesting of Government Properties.
in

GOVERNMENT OF BOMBAY,

Local Self Government and Public Health Department.

Government Memorandum No. VDS-1853.

Bombay Castle, 17th February 1954.

Certain points have arisen regarding the implementation of the Orders contained in Government Resolution, Local Self Governement and Public Health Department, No.S-251, dated: the 9th June 1950, and Government Letter, Local Self Government and Public Health Department, Nos. S-251/49637-C, dated the 24th October 1951. Government have considered the same and is pleased to issue the following instructions in the matter:-

Points.	Instructions.
1. The need practical or theoretical of asking the Prant Officers of the Collectors to pass formal Orders or to prepare lists showing properties which are vested in the Village Panchayats and the conditions if any subject to which the vesting has been made.	Attention is invited to Government Letter, Local Self Government and Public Health Department, No.S-251/49637-C dated: the 24th October 1951 address-ed to the Director of Local Authorities, Southern Division, Belgaum, copies of which were endorsed to all Collectors wherein it is stated that the question of delegating the powers of Government under Section 1129 (1) to any authority does not arise. The only thing required to be done is to prepare lists, of all properties vested in the Village Panchayat and the conditions, if any, subject to which the vesting has been

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	has been made. These lists should be prepared at once by the Mamlatdars and their copies supplied to the village Panchyats. Properties which are in possession of and are managed by individuls or bodies e.g. burning or burial grounds etc., should not be included in the lists pending further Orders.
2. The need for executing agreement evidencing the vesting or properties in the Village Panchayats.	No such agreement is necessary.
3. In what manner the vestihg of properties in Village Panchayats will be recorded in Village Forms and Village Accounts.	This will be recorded in V.E.I. and V.F. VII. In case of properties to which the R of R does not apply, index cards (V.F. No.VII) should be opened as in case of gaothan plots and the conditions of vestingnoted therein.
4. The procedure for ensuring that the conditions subject to which the properties have been vested are enforced and that detection of breaches of conditions is not neglected.	A seperate Register (similar to that maintained for New Tenure lands) should be maintained at each Village Where there is a Village Panchyat, and all Government properties vested in Village Panchayats should be entered therein. All Inspecting Officers should ensure that there is no breach of any condition attached to such properties and that in cases breach, action is taken for the

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for the resumption of the properties as provided for in the Government Resolution of 8th June 1950.

2. Government has received complaints that in large number of cases, properties vested in Village Panchayats have not yet been handed over to them Government is, therefore pleased to direct that all properties vested in the Village Panchayats should be handed over to them and the orders issued in Government Resolution. Local Self Government and Public Health Department, Nos. S-251 dated the 9th June 1950. Government letter, Local Self Government and Public Health Department, No.S-251/49637-C dated the 24th October 1951 and Government Resolution, Local Self Government and Public Health Department No. S-251, dated: the 25th May 1953, are fully implemented immediately without any further delay. Reports of the action taken should be submitted to Government by all Collectors within two months.

3. The Directors of Local Authorities, are requested to translate these orders into regional languages and supply copies there of to the Village Panchayats in their Divsion.

BY ORDER A ND IN THE NAME OF THE
GOVERNOR OF BOMBAY.

Sd/- B.J. Naik,
Under Secretary to Government.

" TRUE COPY "

Subject:- Grant of land to the Co-operative Tenant Farming Society at Ainapur.

No. L.G.E.S.R. -1174,
Belgaum, 14th November 1950.

To

The Secretary to Government,
Revenue Department,
Bombay.

The soil conservation officer submitted proposals to Government that an area measuring 921 acres and 15 gunthas classed as 'D' in Ainapur village should be assigned for grazing under Section: 38 Land Revenue Code. Accordingly, Government of Agriculture and Forests Department directed in their letter No.4623/1992-G, dated 10-2-1950 that the above mentioned area should be assigned for grazing of the Village Cattle at Ainapur. The Mamlatdar reports that the villagers of Ainapur he formed a Co-operative Society viz., Co-operative Tenant Farming Society to cultivate the land on Co-operative basis and have applied for an area of 305 acres, 11 gunthas consisting of Forest Lands as details in the margin, out of the total area of 921 acres and 15 gunthas of the village, The Mamlatdar further reports that the area of 305 acres 11 gunthas is better suited for cultivation. The land utilisation Survey Officer while remarking that this Forest area has got fertile black soil of more than 18 inches depth and is fit for cultivation, recommended that it should be reserved for grazing mainly on the ground that the villagers objected to its being given out for cultivation. The villagers have now no objection and the proposals to register the society are before the Assistant ---

Sy.No.	Area Ar.	Gn.
333	144	-37
154	28	-35
407	13	-15
507	21	-00
525	19	- 8
526	21	- 1
530	56	-35
	305	-11

.... Page 2.

Assistant Registrar of Cooperative Societies, Belgaum. Who is of the opinion that there is full scope for development of the Society if the land is granted for cultivation. In the circumstances would request you to move Government to accord sanction to the grant of an area of 305 acres, 11 gunthas of Ainapur for cultivation to the Cooperative, Tenants Farming Society.

The papers of the case accompany.

Sd/- D.G.Mosangadi,
for Collector of Belgaum

" copy "

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No.TDB/PLN/EE/62-63

Office of the
Taluk Development Board,
Athani, dated 23-1-1963

Read: 1. Order No.P&D 93 DCC 60 dated 4-5-1961.

2. T.D.B. meeting Resolution No.6 dated 30-7-1962.

3. Letter from Divisional Forest Officer, Ghataprabha, dated 30-7-1962.

O R D E R

The Town Panchayat Committee Ainapur has proposed to implement the Farm Forestry Scheme in its Panchayat during 1962-63. The scheme has been administratively approved by the Taluka Development Board, Athani, in its meeting held on 30-7-1962, under its resolution No.6 and is technically sanctioned by the Divisional Forest Officer, Ghataprabha under his letter quoted at 3 above. The Scheme is therefore sanctioned as indicated below.

1. Name of Town Panchayat Committee: Ainapur.
2. Total acres for Farm Forestry: 30 acres to be undertaken.
3. Total cost of Farm Forestry for 30 acres at Rs.42/- per acre i.e., 42 x 30 = Rs.1,260/-.
4. Govt. aid to be paid at Rs.20/- per acre, i.e., Rs.20 x 30 = Rs.600/-.
5. V.P.C. share at Rs.22/- per acre, i.e., Rs.22 x 30 = Rs.660/-.
6. Amount of subsidy for raising nursery at Rs.5/- per acre, Govt. Share for 30 acres, Rs.150/-.

The amount is debitable to the head "10 Forest B. conservancy and works b-L(ii)VII" and met from the sanctioned grants during the current year as non-redurring.

Sd/- xx xx xx
Chief Executive Officer,
T.D.B. Athani

Copy submitted to: 1
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etc.,

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THE EXTRA ASSISTANT JUDGE, BELGAUM.

Civil Appeal No.311/54.
Civil Suit No.12/1953.

(Sri R.S.Nagarkatti) . Athani, Notes: Para 8 onwards relevant.

Sri V.P.Kittur. 1. The Village Panchayat of Ainapur, Taluka: Athani. Plff.

Versus

Sri N.D. Joshi. 1. Ugar Suguar Works Ltd., Ugar-Khurd. .... Deft.

Rs.424/- for Court - Fees and Jurisdiction.

This appeal has been directed against the Judgment and Decree of the Civil Judge, Junior-Division, Athani (Mr.R.S.Nagarkatti) dated 10-8-1953 in Regular Civil Suit No.12 of 1953 on his file.

2. This action was commenced by the plaintiff to obtain a perpetual injunction restraining the deft. from laying Hume Pipes in the Land in suit and from cutting the Trees standing thereon and to cover a sum of Rs.420/- by way of Damages along with future interest and costs of the suit. The case stated in the plaint was briefly as follows:-

The land bearing Rs.R.S.No.333 of Ainapur comprising 144 acres 27 gunthas was classified as Village forest and being used as a grazing land for the village. The ownership of this land originally vested in the Government. It was transferred to the plaintiff on 22-3-1943 for the purposes of Management and its ownership was subsequently vested in him in pursuance of the Government Orders issued under Section: 28(b) of the Village Panchayats Act. On 16-7-1951, the Defendant applied to the plff.for permission to lay a pipe line in this land, but that request was not granted and

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and the defendant thereafter approached the Government and on the strength of the permission obtained from the Collector and the Prant Officer, started laying a pipe line in the land and cut some trees situate therein. After the plaintiff became aware of these unlawful acts, an objection was taken to the work that was being done by the defendant and as the deft. took his stand on the orders of the Collector and Prant Officer, the present suit for an injunction became necessary. It was alleged that about 70/ trees were cut and removed by the deft and damage to the extent of Rs.420/- was thereby caused to the plaintiff. That amount was therefore claimed from the deft in this suit.

3. The suit was resisted by the defendant through its general Manager as per its written statement at Exh.30. It was contended that the land belonged to Government and the same was given to the plaintiff merely for the purpose of Management and maintenance as a grazing land for the village cattle. The Government had, therefore, full authority to grant the permission and in pursuance of the permission granted by the Collector, a line of Hume pipes was being laid in the land. The trees that were cut did not amount to 70 and the plaintiff's claim in that behalf was exaggerated, but whatever trees were cut in pursuance of the permission granted by the Prant Officer and the plaintiff was not entitled to take any exception to the same. It was further contended that the Government was a necessary party to the suit and the suit as framed was not competent for want of a notice under Sec: 80 of the Civil procedure Code.

4. Issues for decision were framed at Exh.17 and on a consideration of the materials before him, the learned Trial Judge took the view that the land in dispute was not vested in the plaintiff and the Collector had, therefore,

therefore, the power to grant the necessary permission to the defendant to cut the trees and to lay the proposed pipe line in the land in dispute. He further held that the Government of Bombay was not a necessary party and the suit as framed was maintainable in law. As the finding on the main question went against the plaintiff, his suit was dismissed with costs and that decision is now being challenged by the plaintiff in this appeal.

5. The technical contentions in regard to the maintainability of the suit and non-joinder of the necessary parties were not pressed before me in this appeal. On the arguments advanced at the Bar, the sole point for my consideration in this appeal is whether the land in dispute is proved to have been vested in the plaintiff.

6. Differing from the learned Trial Judge, I answer this point in the affirmative.

REASONS

7. Facts giving rise to this litigation are few and simple and there is no dispute about the same. Sy.No.333 of Ainapur which comprises 144 acres and 37 guntas is admittedly a village forest as shown in the extract of record of Rights at Exh.35 and the same was transferred to the plaintiff, who happesn to be the village panchayat of Ainapur, for management under the Collector's order (Exh.36) dated 22-5-1943. The Bombay Village Panchayat Act, 1935, was amended in 1947, by Bombay Act No.60 of 1947, by the addition of Section: 28-B which authorised Government to vest open-sites and vast vacant or grazing lands in the villages in the village Panchayats and in pursuance of that provision, the Government passed Resolution No.S.252/-251/ dated 9-6-1950 (Exh.37) containing the orders in respect of the vesting of such lands and sites in the village panchayats.

The Plaintiff - Village Panchayat, it appears, was not aware of that resolution when the defendant in this suit, who, happens to be a Sugar Factory known as the Ugar Sugar Works, Ltd., made the application (Exh.24) dated: 16-7-1951, and sought the plaintiff's permission to lay a pipe line through Sy.No.333, for the purpose of irrigating the sugar cane crop in the lands belonging to the company. The plaintiff, therefore, informed the company that the permission sought could not be granted, as the land in question was with the plaintiff for Management only. The defendant company there-after applied to the Collector of Belgaum for the necessary permission, on 11-9-1951, and directed the defendant company to deposit Rs.500/- by way of Caution Money and to execute the necessary agreement in favour of Government. These directions were duly complied with (vide Correspondence in the File at Exh.47) and the permissiongranted to the defendant company, was duly entered in the Village Records. (Vide: Exhs.35 and 38). In pursuance of that permission, the deft, Company started the wrok of laying the pipe line sometime in the month of December 1952. As it was considered necessary to cut the trees standing in the portion in which pipe line was to be laid, the defendant company applied to the Mamlatdar on 23-9-1952, for the necessary permission to cut the Babul trees in that portion and on 5-12-1952 that permission was granted by the Prant Officer, and the defendant company was required by the Prant Officer, and the defendant company was required to deposit an amount of Rs.61-2-6 by way of the value of those trees. That amount was duly deposited by the company. But, when the Company's people started cutting the trees, the plaintiff-Village Panchayat raised an abjection and finally took recourse to the present suit. It is the case of the plaintiff -village panchayat that the

.... Page 5.

 24 161

the land in dispute having been vested in the Panchayat under Section: 28(b) of the Bombay Village Panchayat's Act, the Defendant company has no right either to cut the trees from this land or to lay the proposed pipe line through the same. The defendant on the other hand takes his stand on the permission granted by the Collector and contents that the land was the property belonging to Govt. and it was, therefore, competent to the Collector to grant the permission in question under Section: 37 of the Bombay Land Revenue Code, a nd the plaintiff is not, therefore, entitled to the injunction claimed in this suit.

8. As has been observed at the out-set, the land in dispute was admittedly transferred to the plaintiff Panchayat for Management under the Collector's order (Ex.36) dated: 28-5-1943, But, the Bombay Village Panchayats' Act was amended in 1947, and by act No.60 of 1947 Section 28(b) came to be inserted in the Act. This section: provides:-

> " For the purpose of this chapter, the State Government may, subject to such conditions and restrictions as it may think fit to impose, vest in a Panchayat Open sites, waste or grazing lands, etc., in the village vesting in the Government."

The land in suit, which is admittedly a forest or a grazing land, was admittedly the property of Government by virtue of Section: 37 of the Bombay Land Revenue Code and the Government was, therefore, competent to vest the same in the village Panchayat of Ainapur (plaintiff) under Section: 28(b). The only question that has to be decided is whether the orders in regard to its vesting have in fact that bee n passed by the Government. In this connection, the plff. Panchayat relies on Government Resolution No.S.251 dated: 9-6-1950 at Exh.37. The resolution says:-

.... page 6.

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> " In exercise of the powers conferred by Section: 28(b) of the Bombay Village Panchayat Act, 1933 (Bombay VI of 1933), Govt. is pleased to pass the following orders in respect of the vesting in Village Panchayats of the Government Properties, viz., open-sites, waster-lands, vacant lands, grazing lands, etc., which are situated within the limits of the Village Panchayats."

Those orders are contained in the eight paragraphs that follow. The first para deals with the vesting of open-sites and paragraph-4, which is material for the purpose of this suit, deals with the vesting of grazing lands. It says:-

> Paragraph 4:- "Grazing Lands:- These lands are lands outside the village site and assigned specifically for grazing the village cattle. These grazing lands should be vested in the panchayats subject to the conditons, that (1) no villager is prevented from grazing his cattle kept by him in the village, provided the grazing fees, if any, fixed by the panchayat, are paid by him; (2) the grazing land is kept in good condition; (3) no lease, sale or other transfer of such grazing lands by the Panchayat shall be valid without the previous sanction of the Collector and that (4) they shall be liable to be resumed for breach of conditions without compensation."

The learned Trial Judge has taken the view that having regard to the wording of the resolution, what is contained therein seems to be nothing but a general directive issued by the Govt. under Section: 28(b) to its Revenue Officers to enable them to put into effect the policy contained therein and unless the necessary further orders under Section: 37 of the Land Revenue Code have been passed by the Collector vesting the land in dispute in the plaintiff - village panchayat, it cannot be said to be vested in that panchayat, ~~xxxxxxxx be said~~ and as no such orders are shown to have been passed by the Collector, the plaintiff cannot lay claim to the land and question the Collector's jurisdiction to grant the permission in question in favour of the defendant company. It is no doubt true that having regard to the wording of the resolution and especially the use of the expression 'should be vested', the view taken by the learned Trial Judge appears to be

.... page 7.

be fairly plausible. But, a closer examination of the resolution, in my opinion, indicates that the result of the orders contained therein is to vest the grazing lands in villages in the respective village panchayats of those villages. At the very out-set, it is to be noticed that the resolution contains the orders issued by the Government in exercise of the powers conferred by Section: 28 of the Bombay Village Panchayats' Act. That section, as I have already said, authorises the Government to vest the grazing lands belonging to it in the village panchayats. The orders contained in the resolution purport to have been passed in the exercise of those powers. It has further to be noticed that the orders contained in the resolution are in respect of the vesting of the grazing lands and other Government sites in the village panchayats. Paragraph 4 of the resolution relates to the vesting of grazing lands and contains the conditions subject to which the same should be vested. It is true that instead of using the expression "shall be vested" or "are hereby vested" , the expression " should be vested" has been used through out the orders contained in this resolution. But, if the necessary importance is given to the facts that the orders in question have been passed by the Government in respect of the vesting of Grazing lands and other Govt. sites in the Village Panchayats, the conclusion is fairly clear that the purpose of this resolution is to pass the requisite orders in respect of the vesting of grazing lands and other Government properties in the village Panchayats in exercise of the powers conferred by Section: 28 (b) of the Bombay Village Panchayats Act. If the resolution as a whole is closely examined, it does not, in any opinion, indicates that

.... page 8.

that anything remained to be done by Government for the purpose of vesting the grazing lands and other Government sites in the Village Panchayats situate in the State of Bombay. The learned Trial Judge's view that vesting could not take effect unless some further orders in favour of the plaintiff panchayat were passed by the Collector of this District under Section: 37 of the Bombay Land Revenue Code cannot, in my opinion, be supported in the face of the wording of the resolution considered as a whole. The powers conferred by section: 28(b) of the Bombay Village Panchayats Act, are conferred not on the Collector; but on the state Government and in asmuch as the State Government has issued sites and grazing lands in the exercise of those powers, nothing further remains to be done in the matter.

9. On the side of the plaintiff -Panchayat, my attention was drawn to the Government Memorandum No.VPS-1853 dated: 17th Feb. 1954, which contains the instructions issued by Government with a view to clarify some of the points raised in regard to the implementation of the orders contained in Resolution No. S-251 dated: 9-6-1950, that is in respect of the resolution at Exh.37. It appears that one of the points raised was whether there was any need, practical or theoritical, of asking the Prant Officers or the Collectors to pass formal orders or to prepare lists showing properties which are vested in the village Panchayats and the conditions, if any, subject to which the vesting has been made and the instructions issued by the Government in this behalf are that that there is no need of any such orders being issued and the only thing that is required to be done is to prepare lists of all properties and the conditions, if any, subject to which the vesting has been made. On the side of the defend-ant - Company, it was contended that once a resolution has been passed and the question of

.... page 9.

of its interpretation comes before the Court, it is the duty of the Court to interpret the same in the light of the working used in the resolution and the interpretation put by the Government on that resolutionl should not be allowed to influence the decision of the Court. That pro--position is no doubt correct. But, I have referred to the Government's view of the resolution in question not because that view is binding on me but mere-ly to show that it is in accord with the view which I have taken quite independently of the instructions in the Government Memorandum of 17-2-54.

10. It was contended that even if the land in dispute is deemed to have been vested in the Plaintiff Village Panchayat, the Government is not altogether deprived of its ownership therein, and it was, therefore, competent to the Collector to grant the permission in question to the defendant Company under Section:37 of the Bombay Land Revenue Code. This argument has already been rejected by the learned Trial Judge in Paragraph No.15 of his Judgment and in my opinion quite reightly. Section 29 of the Bombay Village Panchayats' Act, 1933, clearly shows that every Panchayat is competent to acquire and hold property, both moveable and immoveable, and to lease, sell or otherwise transfer moveable or immoveable property which may become vested in or be acquired by it subject to the limitations contained in that section. It is, therefore, clear that the lands which become vested in the panchayat under Section 28(b) become the property of the panchayat and the Panchayat has the authority to lease, sell or otherwise transfer the same subject to the limitations contained in Section:29. It is no doubt true that under the Resolution at Exh.37, the grazingland in question is vested in the plaintiff Panchayat subject to the four conditions contained in para 4 of the Resolution and the

.... page 10.

the third condition that paragraph is that the Panchayat cannot lease or sell or otherwise transfer such grazing land except with the previous sanction of the Collector. In case any further is effected contrary to this condition the land is liable to be resumed for breach of conditions without compensation. But within the limitations imposed by section: 29 and paragraph 4 of the Resolution at Exh.37, the land in dispute must be deemed to be the property of the plaintiff panchayat. Therefore, it was the Panchayat alone who could permit the deft. Company to lay the pipe line in the land and to cut the trees which are required to be removed for that purpose. It appears that the whole trouble arose because the panchayat was itself not aware of this legal position when the permission sought by the plaintiff as per Exh. 24 was refused on 16-8-1951.

11. In my Judgment the land in suit is vested in the plaintiff village Panchayat by virtue of the Government Resolution at Exh. 37 and the permissions granted by the Collector and the Prant Officer are not, therefore, binding in the plaintiff. The Injunction claimed in the plaint must, therefore, be granted with a view to restrain the defendant from proceeding with the work in pursuance of the Collector's orders at Exh.47. The plff. has claimed a sum of Rs.420/- by way of damages for the trees that have already been cut by the deft. Company. Although the number of trees cut by the company is disputed in the written-statement of the defendant, the learned Trial Judge has carefully considered the evidence in this connection in paragraph 18 of his judgement and has come to the conclusion that the plaintiff's version in this behalf, which is supported by the reports of the village worken at Exhs. 42 to 44 and the sworn testimony of panchayat's secretary at Exh.40, is entitled to a preference and I don not see any reas-on to interfere with his

.... page 11.

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his finding in this behalf which was not challenged before me in the course of the hearing of this appeal. The plff has claimed damages at the rate of Rs.6/- per tree and it was not shown that this rate is open to any just exception. Rs.420/- are, therefore, properly due to the plaintiff on the score of damages for the 70 trees out by the defendant.

12. In the result this appeal has to be allowed and the Trial Court's Decree set-aside. In view of the fact that the deft. Company was involved in this litigation because of the plaintiff - panchayat's ignorance of its own powers in respect of this land, the fairest order about costs would, in my opinion, be to direct the parties to bear their own costs in both the courts.

O R D E R.

The appeal is allowed and the defendant is hereby perpetually restrained from laying the hume pipes in the land in suit and from cutting the trees standing thereon.

Defendant shall pay to the Plaintiff Rs.420/- by way of damages as claimed in the plaint.

Parties shall bear their own costs throughout.

6th July, 1955. Extra Assistant Judge, Belgaum.

IN THE HIGH COURT OF MYSORE AT BANGALORE

Writ Petition 808 of 1963

Between:-

The Town Panchayat Committee Ainapur
by its Chairman, S.B.Ganigar of
Ainapur, District: Belgaum ... PETITIONER

And:-

1) The State of Mysore and
two others. .. RESPONDENTS

Counter Affidavit by Respondent No.3

I, Bheema Siddappa Kamble of Krishna Kittur Taluk - Athani, District- Belgaum, the Chairman of Respondent No.3 Sangh, now at Bangalore, do hereby solemnly affirm and state as follows:-

I am the Chairman of Respondent No.3 Sangh and I know full facts of the case. The affidavit filed in support the writ petition was read over and explained to me and I have understood the same.

I. The order of the Government of Bombay dated 10-2-1950 relied upon by the petitioner has not been produced for showing that 921 acres and 15 guntas of land classed as 'D' was assigned by the Government for grazing the cattle under section 38 of the Bombay Land Revenue Code. As far as I am aware there is no such order at any rate in regard to lands R.S. Nos. 525 and 526 that have been given to our society by the Government of Mysore. It is

not correct to state that those lands were being used by the villagers of Ainapur for grazing cattle since times immorial. This Society of which I am the Chairman is only concerned with R.S.Nos 525 and 526 and not with any other lands.

II. It is not correct to state that the lands in dispute are R.S.Nos. 526 and 527 and that they are grazing lands. It is not correct to state that the Government of Bombay vested in the village panchayat by the order of the Bombay Government dated 9-6-1950. There is no reference to the lands granted to this Respondent in the said order. The said order is a general order laying down the policy of the Government. The order of vesting has to be passed thereafter in respect of particular lands vesting them in the particular panchayat mentioning therein the conditions imposed. No such order has been passed by the Bombay Government vesting R.S.Nos.525 and 526 with the petitioner panchayat. The order dated 9-6-1951 produced in the case does not appear to be correct as a reference therein has been made to a subsequent order of 1951. The petitioner is therefore put to the strict proof of the correctness anthenticity of the orders produced by the petitioner. The petitioner had made a wrong assumption with regard to the lands in dispute. It is not correct to state that the powers of the Government are governed by the a oresaid order and that in the absence of any breach of the same the lands are not liable to be resumed.

No. of corrections:

III. That it is a patently erroneous and false statement and the petitioner asserts that the lands in dispute are not disputed as having vested in the panchayat and as being in their possession. As the lands belong to the Government there is no obligation on the Government to give any opportunity to the petitioner to submit their say in the matter. Even if the order relied upon is taken as vesting the lands in the panchayat as per the order of the Government of Bombay. The same does not confer any rights on the petitioner in respect of these lands, nor can be said that it is the property of the panchayat. Even if an opportunity is given there is nothing which the panchayat can say in regard to the granting of the lands to our society or to their resumption by the Government. The Panchayat has not made any investment on these lands and they are not required by the panchayat for discharging any of the functions. The petition is not bonafide and is motivated by party politics in the village. We have formed a Cooperative Society of the Harijans of the village and the Government was pleased to grant the lands to us for the purpose of Cooperative farming so that the poor Harijans are benefitted. There is no violation of the principles of natural justice in this case. The panchayat was fully aware of our prayer for the grant of these lands. The Tahasildar has made enquiries into this matter and has taken the opinion of all the villagers and the petitoner. The Range Forest Officer who made an enquiry

No. of corrections:

has also consulted the panchayat in this behalf.

IV. That the lands granted to us do not come under category of grazing lands referred to in the 1st order of Government dated 9-6-1950. This order or Resolution governs only the lands etc situated within the limits of the panchayat. The lands granted to us are outside the limits of the panchayat and are outside the village limits as declared under section 3 of Mysore Act 10 of 1959 as well as under the Bombay Village panchayats Act 1933.

Outside Land

V. The letter of the collector written to the Government dated 14-11-1950 clearly shows that the lands granted to us were not reserved for grazing cattle and that the villagers of Ainapur had no objection to these lands being given to a Cooperative forming society for cultivation. The petitioner must be aware of the result of this proposal on account of that proposal these lands were not in fact reserved for grazing cattle.

VI. That it is not correct to state that these and other lands have ceased to be forest lands and that they have been reserved for grazing cattle. These lands are shown in the record of rights as forest area. The panchayat is not shown as the Kabjedar, as it should have been as per the Bombay Government order dated 17-2-1954. The lands are in fact forest lands and have been correctly dealt with. The forest lands cannot vest with the panchayat

No. of corrections:

as they do not come any one of the categories mentioned in the Government Order of 9-6-1950. It is not correct to state that it is an obligatory duty of the panchayat to look the maintenance of the grazing lands and forest lands.

VII. That the lands ~~of~~ granted to this Respondent could not form part of the assets and liabilities and the contracts entered into with the panchayat of Ainapur under the repealed Bombay Act 6 of 1933. Hence the same do not devolve on the new panchayat of Ainapur established under Mysore Act 10 of 1959. Besides the petitioner is not claiming the rights to these lands by virtue of any order of the Government issued under section 242 proviso(f) of Mysore Act 10 of 1959. Hence the petitioner does not acquire any rights in respect of these lands. The interpretation ~~of tation~~ of section 49(2) of the Mysore Act 10 of 1959 made in ignorance of section 242 of the Act is incorrect. It is wrong to state that the Government is not competent to order resumption.

VIII. That the reference to a case in regarding to another land R.S.333 besides being irrelevant betrays lack of bonafides on the part of the petitioner. It is learnt that the panchayat has lost in two suits in regard to other lands wherein the similar contentions of the petitioner were negatived.

IX. That the action of the petitioner in vesting to this Hon'ble Court is premature as he has not availed himself of the alternate remedy provided

No. of corrections:

...6

under section 70 of the Act. The Panchyat cannot make any grievence in regard to the property of the State Government in view of the prohibition contained in section 230 of the Act.

X. That the lands granted to us are situated three miles away from the limits of Ainapur village. They were situated beyond the limits of the Ainapur village even under Bombay Act 6 of 1933. They are not grazing lands and they are well suited for cultivation. There are other ample lands for grazing the cattle. That is why no grievance was made by the villagers. The Panchayat has not exercised any domain or rights over these lands. The lands have been given to this Respondent after the Government was satisfied that it was a fixxxjust and proper order to pass for the benefit of the poor Harijans who have formed a society for this purpose. The society cannot function without these lands as they donot possess any other lands. The petitioner has not sought to use these lands for the alleged for forestory.

XI. For the reasons stated above this Respondent humbly prays that the Writ petition may kindly be dismissed with costs. We have been prevented by the order of stay from taking possession of these lands eventhough we have executed an agreement by paying Rs.500/- to the Government. We are prevented from cultivating these lands and pursuing the objectives of the Society. Hence the stay order

No. of corrections:

...5

may kindly be vacated. Admittedly the petitioner has no case in regard to R.S.No.525 not claimed by them. The Writ Petition may kindly be ordered to be heard expeditiously in the interest of justice.

Bangalore,
Dated: 20th July, 1963.

DEPONENT

No. of corrections:

No.0/19903-D
Dated 30-6-1946

The Collector's ~~xxx~~ action in leasing the Forest S.Nos 525,526, 527,530, and 333 of Ainapir to the Gowardhan Diary Farms Ltd., Poona for cultivation of food and fodder crops for a period of one year only is approved. These lands should neigher be leased nor exchanged but should be reserved for grazing purposes only in future.

Sd/- xxx
Asstt Secretary to the Govt.
of Bombay, Revenue Department.

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PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

Head: Resulation No.G.RS.1053/5627 dt. 20-8-1954 issued by the Revenue Department Government of Bombay stipulate the standard acres of greazing area at forty (40) acres per hundred head of cattle in the northern division and fifty (50) acres per hundred head of cattle in the central division and southern division and adding that if forest areas are available for greazing in are adjoining a village that factor being taken in account at time of disposing the greazing lands, in that village and the limits prescribed halved their necessary.

2. Notification no.64 dated 16th November 1950 issued by the Revenue Department of erect while Government of Hydrabad stipulating that at lands 10% of the total area under cultivation in a village shall be set apart as the greazing lands for cattle etc.

3. Paragraph 198 of the Mysore Revenue Manual land down and rules for alltoment of General Lands.

Order No.10/GB/58 Bangalore 19th March 1959.

According to rules for all otment of gomal lands in old Mysore area on extent of 30 acres of good pastrage is assigne to and village at greasing common for every hundreds of cattle failing the better sought of pastchaer lands 60 acres of middle and 100 acres of inferior land have to be assigned and not more than 1/4th of the occupied areas should allowe as Gomadar Land in each village.

In Belgaum District the standrad of acres of greasing area in forty acres per hundred heads of cattle in certain areas and fifty acres per hundred head of cattles in certain other areas, whilst in Gulabarga Division. It is 10% of the total area available for cultivation. There is noland especially reserved for greasing purposes in Kurag District. With a view to have inform policy for reservation of Gomadar for greasing purposes all over the state and in view of the large number of landless person and presher of land Government is pleased to direct that based on the cattle census of 1956, Land be reserved for greasing at the rate of 30 acres per hundred heads of cattle all over the state In calculating the extent, 4 goats are ships may be taken as equivalant to 1 cow, bullock or bafallo,

Where there is no greasingland attached to village a portion of the unoccupied wast land belonging to other villages and not attached to the common ~~xxxx~~ pastchege of the later should e assigned for the purpose.

By order in the naeme of Government of Mysore,

Sd/-M.Venkatgiri Raju.

Under Secretary to the Government Revenue Department

Copy

AFD 42 FBC 63 (Sup)

Mysore Government Secretariat | File No. of 196 . [App. F. III/2] 180

Serial No.

D. No. 4633/63.

1) Pl. See the Law Deptt., file No. LAW 808 LWP 63 wherein the order issued in G.O. No. AFD 42 FBC 63 of 23-2-63 was stayed in W.P. No. 808/63.

2) We may take a copy of the stay order of 23-5-63 and return the L.D's file. We may however send a copy of the stay order to CCF for guidance.

Pl put up.

CR 7/6

Issue to put up.

x Not to issue Reply recd. from the CCF

2/6

D. No. 4812/63

3) Put in for perusal. We may send a copy of the CCF's letter to L.D. along with file No. LAW 808 LWP 63 for further action.

For order.

CR 13/6

L.D. for urgent action

DR 13/6/63

MYSORE GOVT. SECRETARIAT No. 5943 14 JUN 1963 LAW DEPT.

MYSORE GOVT. SECRETARIAT Note. Contn. Sheet.... No. 14 AUG 1963 LAW DEPT. (SECTION II)

W.P. NO. 808/63

181

File No. AFD 42 FGL of 1963 (Sup)

Mysore Government Secretariat

Serial No. 5943/63

4) G.O. authorising the Ad Gh to attend on behalf of the respondents 1 and 2 is under issue.

5) Action taken on the stay order of the H.C. dated 25.3.63, may kindly be incorporated in the L.D file and the same be returned immediately. CR 17.6.63.

Ks 17/6/63

AFD)

GOVT. SECRETARIAT 508 18 JUN 1963 FOREST DEPT. (TAPPAL)

JBR 18/6/63

6) Ref: para 4 + 5 n/7. A copy of the c c/f letter dt 12-6-63 along with the ~~main~~ file of L.D. No. LAW 80 & LWS 63 will be sent to L.D for further action.

For order.

CR 21/6

L.D)

JBR 25/6/63

Letter No. B3-4FL-4134/62-63 dt 2-8-63 of the c c/f.

D. No. 6242/63.

2) Pad is for perusal. The

Serial No.

c.c.f has sent a copy of DFO's report wherein the DFO has furnished the reply to the Affidavit filed by the petitioner to the Advocate General, & the c.c.f has requested to take further action in the matter.

8) The file may now be referred to L.D for further action.

MYSORE GOVT. SECRETARIAT
No. 7847
14 AUG 1963
LAW DEPTT (REGISTRAR)

CR
12/8

L.D)

JR
14/8/63

2
13/8

Ao
16/8

9) Please seperate the records or papers to be sent to the Ad Gh in this case.

MYSORE GOVT. SECRETARIAT
No. 864
17 AUG 1963

Cus
16/8/63.

AFD)

CR
16.8.63

JR
19/8/63

Note.—Contn. Sheet

AFD 42 FDR 63 (Sup)

183

File No. of 196 .

Mysore Government Secretariat

Serial No.

10) The Connected papers are separated & kept below. may now be referred to L.D. for further action.

OR
19/8

L.D)

JR
24/8/63

28

File no. AFD 42 FDR 63 is placed below.

VNS.

MYSORE GOVT. SECRETARIAT
No. 9249
28 AUG 1963
LAW DEPTT. (REGISTRAR)

11/8

11)

Connected papers Dnl forest officer Belgaum and are file of A&F Deptt no. AFD 42 FGH 63 are retained in L.D for being transmitted to the Ad Gh.

Cus
30/8/63 A&F Deptt

30/8/63

C. GOVINDA RAJU,
Solicitor & Ex-Officio,
Dy. Secy., Law Deptt.

MYSORE GOVT. SECRETARIAT
No. 945
31 AUG 1963
GRL. & FOREST DEPT. (TAPPAL SECTION)

JR
31/8/63

call book
17/64

OR
17/12

WD-010154—GPB—PZS—8,00,000—1-10-61

M. G. S. App. F VI—G. 2]

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181

SUBJECT.....

Diary No. of letter replied to.....

Section

Serial No.

Mysore Government Secretariat

File No.

( )
the 196 .

Proceedings of the Government of Mysore

Date of issue.....196

Signed by.....

May this be—
(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

CCP

Read— In continuation of G.O. No. AED 42 FVC 63 dt 23-2-1963, I am directed to enclose a copy of W.P. No. 808/63 for your inf n.

Order thereon.—No.

of the stay order issued by the High Court of Mysore in the writ petition of the chairman Town Panchayat Committee Arasikere Pandgani U/S. The State of Mysore and two others

8/7

2/6

AUS AFF

In the High Court of Mysore at Bangalore.
Thursday the 23rd day of May 1963.
Present
The Hon'ble Mr.Justice Mir Iqbal Hussain,
(Vacation Judge).
Writ Petition No.808 of 1963.
==
With - Staya.

The Chairman, Town Panchayat Committee,Ainapur, Belgaum. (Petitioner.)

1. The State of Mysore,
2. The Chief Conservator of Forest,Bangalore.
3. The Krishna Kuttur Sahakari Samudayak Besaya Sangha Niyamit Krishna Kittur, District, Belgaum. (Respondents).

Writ petition filed under Art. 226 of the Constitution of India by Sri H.B.Datar, Advocate for the petitioner praying for the reasons sworn to in the affidavit annexed to the said petition to issue a writeof certiorari quashing the order No. AFD 42 FGL 63, dated 23-2-1963, and to issue a writ of prohibition prohibiting the respondents from taking any steps in pursuance of the aforesaid order and further praying to issue an order of stay staying the further proceedings in pursuance of the foresaid order, pending disposal of the W.P.

ORDER.

It is ordered ad interim that pending disposal of the writ petition, the further proceedings in pursuance of the order dated 23-2-1963 in No.AFD 42 FGL 63 be and the same are hereby stayed.

And it is further ordered that notice of this petition do isue to the respondents above named to show cause if any against this order.

Sd/-
(B.Mopuri Reddy)
First Deputy Registrar.

To

The Chief Secretary to the Government of Mysore.
Vidhana Soudha, Bangalore.

The Chief Conservator of Forests, Bangalore.
Please acknowledge receipt of this order.

"Copy"

To.

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE, BANGALORE.

186

IMMEDIATE

No. B3.GFL. 4134/62-63 Dated 12 June 1963.

To

The Secretary to Government,
Agriculture & Forest Department,
Bangalore.

MYSORE GOVT. SECRETARIAT
No. 15
13 JUN 1963
AGRI. & FOREST DEPT. (APPAL SECTION)

Sub:- Writ Petition No. 808 of 1963 - The Chairman, Town Panchayat Committee, Ainapur, Belgaum VS The State.

13/6/63

Government in their Order No. AFD 42 FGL 63 dated 23-2-1963 have ordered the grant of 40 acres of land in F.S. Nos. 525 and 526 of Ainapur Village, Athani Taluka in favour of the Harijans of Krishna Kithur village on Hangami Lagan basis for growing fruit trees. The Conservator of Forests, Belgaum Circle was asked to take further action in this behalf. But the Chairman of the Town Panchayat Committee, Ainapur, Belgaum has filed a Writ in the High Court of Mysore against this Order and the High Court in their orders dated 23rd May 1963 have directed to stay further proceedings in pursuance of the order No. AFD 42 FGL 63 dated 23-2-1963.

Summons have been received from the High Court to appear in the Court on 26th June 1963 to show cause against the application. Copies of the High Court order and the affidavit filed on behalf of the petitioner, are enclosed for perusal. In the circumstances I request you to authorise the Advocate General in Mysore, Bangalore to appear on behalf the Government. The Divisional Forest Officer, Ghataprabha Division, Gokak is being instructed to contact the Advocate General along with the connected records and to explain the facts of the case to him, immediately.

MYSORE GOVERNMENT SECRETARIAT
NO. 4812/65
13 JUN 1963
FORESTS BRANCH

Yours faithfully,

12/6

Chief Conservator of Forests.

D/P/

In the High Court of Mysore at Bangalore.

Thursday the 23rd day of May 1963.

Present

The Hon'ble Mr.Justice Mir Iqbal Husain,
(Vacation Judge.)

Writ petition No.808 of 1963.

---

with - staya.

The Chairman, Town Panchayet Committee, Ainapur, Belguam.) Petitioner.

vs.

1. The State of Mysore,
2. The Chief Conservator of Forest, Bangalore.
3. The Krishna Kittur Sahakari Samudayak Besaya Sangha Niyamit Krishna Kittur, District, Belguam.) Respondents.

Writ petition filed under Art.226 of the Constitution of of India by Sri H.B.Datar, Advocate for the petitioner praying for the reasons sworn to in the affidavit annexed to the said petition to issue a writ of certicrari quashing the order No.AFD 42 FGL 63 dated 23-2-1963 and to issue a writ of prohibition prohibiting the respondents from taking any steps in pursuance of the aforesaid order and further praying to issue an order of stay staying the further proceedings in pursuance of the aforesaid order, pending disposal of the W.P.

ORDER.

It is ordered ad interim that pending disposal of writ petition the further proceedings in pursuance of the order dated 23-2-1963 in No.AFD 42 FGL 63 be and the same are hereby stayed.

And it is further ordered that notice of this petition do issue to the respondents above named to show cause if any against this order.

Sd.
(B.Mopuri Reddy)
First Deputy Registrar.

To
1. The Chief Secretary to the Government of Mysore, Vidhana Soudha, Bangalore
2. The Chief Conservator of Forests, Bangalore.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dt. 27-5-1963

MEMORANDUM OF WRIT PETITION.

(Under Article: 226 of the Constitution of India)

Writ Petition No: 808 of 1963.

BETWEEN:

The Town Panchayat Committee, Ainapur by its Chairman S.B. Ganiger, of Ainapur, District: Belgaum. — PETITIONER.

AND

1. The State of Mysore by its Chief ~~Secretary~~ Secretary, Vidhana Soudha, Bangalore.
2. The Chief Conservator of Forests, Bangalore.
3. The Krishna Kittur Sahakari Samudayak Besaya Sangha Niyamit Krishna Kittur, District: Belgaum.

— RESPONDENTS.

I. The address of the Petitioner for service of all notices and processes is that of his Advocate, Sri H.B. Datar, "Sai-Krupa", No. 6/1, Kumara- Park, West-Extensions, Bangalore-20.

II. The address of the Respondents is given in the Cause-title.

III. For the reasons stated and sworn to in the accompanying affidavit, petitioner most humbly prays that this Hon'ble Court in the exercise of its jurisdiction under Article: 226 of the Constitution of India be pleased to:

(a) Quash by the issue of a Writ of Certiorari or other appropriate Writ, order or direction, the order No. AFD 42 FGL 63 dated 23-2-1963.

(b) Issue a Writ of Prohibition or other appropriate Writ prohibiting the talking of any steps in pursuance of the order No. AFD 42 FGL 62 dated 23-2-1963;

(c) Issue any other appropriate Writ, order or direction as deemed fit in the circumstances of the case including awarding the petitioner the costs of this petition.

IV. That Petitioner, further prays that pending the hearing and final disposal of this writ petition, the order No. AFD 42 FGL 63 dated 23-2-1963 and any further proceedings thereto be Stayed in the interest of justice.

Bangalore, X
Dated X

Sd/-
Advocate for the Petitioner.

" COPY "

CHIEF CONSERVATOR OF FORESTS.

DVP/

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Writ Petition No. 808 of 1963.

PETITIONER: The Town Panchayat Committee, Ainapur.

--- Versus ---

RESPONDENTS: The State of Mysore & Others.

A F F I D A V I T.

Herein, I, Sri Siddanna Balanna Ganiger, age about 48 years, Ainapur, do hereby solemnly affirm and state as under:-

1) I am the Chairman of the ~~Tw~~ Town Panchayat Committee of Ainapur, District: Belgaum, the Committee has passed a resolution and I have been duly authorised to file this writ petition. Hence I am filing this writ petition.

2) Under the provision of the Bombay Village Panchayat Act, Act. No. VI of 1933, a Village Panchayat was established for the village of Ainapur. The administrative powers and duties of the Panchayat are stated in Section: 26 and 26-A provides for Discretiary powers and duties. Section 26(f) provdes for the maintenance and regulation of the use of the public buildings, grazing lands, forest lands (includings lands assigned under Section 28 of the Indian Forest Act 1927), tanks and wells, vesting in and under the control of the panchayat. That is why section 28-B provided that the State Government may subject to such conditions, and restrictions as it may think-fit to improve, vest in the Panchayat, open sites, wastage vacant or grazing lands or any other property in the village vesting in the Government. The Village Panchayat being a body co-operative was also by issue of Section: 29 of the Act competent to hold property both movable and immoveable whether with or without the limits of the village over which it has authority and that it was competent to lease, sell, etc., the moveable or immoveable property which has become vested in or by acquired by it. Further section 30 provided that all the property vested in the Panchayat has to be applied subject to this provision of the Act.

3) The Government of Bombay in their order letter No. 4623/1992, dated 10-2-1950 assigned an area measuring 921 acres and 15 gunthas and classed as 'D' in Ainapur village for the grazing of the cattle and this order was issued under section ~~2~~ 38 of the Bombay Land Revenue Code. It may be mentioned that from times immorial these lands measuring 921 acres and 15 gunthas was being used by the Village Community of Ainapur for the Grazing of cattle. The lands now in dispute namely Sy. No. 526 and 527 and are 2 of the said lands meant and reserved for grazing purposes.

4) In accordance with Section: 28-B of the Bombay Village Panchayat Act, the Government of Bombay, issued an order vesting all these lands in the village panchayats. A true copy of the said order is filed herewith. Accordingly the lands now in dispute namely Sy. No. 526-527 which are all grazing lands vested in the village panchayat. Therefore the rights of the Government vis-avis the panchayat are governed by the terms of the Government Order. It may be noted that there has not breach committed and hence they were not liable to be reminded by the Government.

Contd. 2

5) However on 23-2-1963, the Government of Mysore passed an order granting sanction to the release of 40 acres of the lands in Sy. Nos. 526-527 of Ainapur village in favour of the Harijan of Krishna Kittur village on Nangani lagan basis and the Chief Conservator of Forest was directed to take further action in the matter. In accordance with the order further action is preferred to be taken. Petitioner having exhausted all the remedies and their being now no other remedy is approaching this Hon'ble Court for relief. Petitioner submits that the order is liable to be quashed for the various reasons set-out in this affidavit.

6) That it is undisputed that these lands along with others have vested in the panchayat and are in their possession. Even then none of the authorities or the Government gave any opportunity to the petitioner to submit their say in the matter. Petitioner's case is that by virtue of the provisions of the Act, it has become vested in them and it is not competent for the authorities to take action, as it is the property of the panchayat. Therefore even though valuable rights to the property of the panchayat was in question, it was not heard and the entire proceedings have been carried on behind the back of the panchayat and this order has been passed. Hence petitioner submits that the order is liable to be quashed, as it offends the principles of natural justice.

7) That petitioner submits that it has been totally overlooked that these lands along with other lands have leased to be forest lands, as per the order of the Government of Bombay in No. letter 4623/1922, dated 10-2-1950 and they have been expressly reserved for grazing of the cattle. Therefore the order passed and proceedings taken on the basis of that there are forest lands is clearly wrong. Hence the order is liable to be quashed on this grounds.

8) Under the provisions of the Bombay Village Panchayat Act it is the obligatory duty of the panchayat to look to the maintenance of the grazing lands, forest lands (including the lands assigned under Section: 28 of the Forest Act). That is why under Section: 28-B of the Act provision was made enabling the Government to vest the panchayats the lands vested in it. Accordingly an order has been issued vesting the lands in the panchayat and the panchayat having committed no breach of any terms, it was not competent for the Government to take the land from the panchayat. The order is clearly beyond its powers.

It may be also noted that under the Mysore Act 10 of 1959, a Town Panchayat has been established for the village and it is provided by Section: 242 proviso (f) that all the assets etc., of the Panchayat under the repealed Act devolves on the Panchayat ~~under the repealed Act devolves on the panchayat continued~~ under the Mysore Act. So the property vested in the Ainapur village panchayat has now vested in the Ainapur Town Panchayat and rights remain unaffected. In the Mysore Act 10/59, Section: (42) (m) provides for similar duties and Section: 49 (2) and (2) regarding vesting of the lands. It may also be seen that Section: 49 (2) of the Act only provides for passing order for resuming any property vested in the Panchayat under Section: 49 (1) of the Act, and as in the present case it has not vested under Section: 49 (1), the Government was incompetent to order resumption.

Continued

10) It may be noted that as regards a similar land R.S. No. 333 of Ainapur comprising 144 acres and 27 gunthas classified as Village Forest and used as a grazing lands, which was also vested in this panchayat in persuance of

of the order of the Government in 1950, the Ugarkhord Sugar Works Ltd., was granted permission by Collector for laying a pipe line in the said land and as the said Company cut a few trees etc., a suit for injuction was filed. Therein C.A. No. 311/1954, the Extra Assistant Judge, at Belgaum, held that this land admittedly a forest or grazing land which was the property of the Government under Section 37 of the Land Revenue Court was vested in the Panchayat of Ainapur under Section 28(b) of the Act and the Government had no right whatever and so on 6-7-1955 an injunction was issued. As has been stated the orders of 1950 and 1954 clearly and unequally affirm that the lands have vested in the Panchayat and so the order now issued is illegal.

11) It may be also be seen that the Panchayat has also planned ('Form Forestry') in these Sy. Nos., and on 3-1-1962 the Chief Executive Officer has approved the same. The Government has also granted subsidy towards the said scheme. It is thus evident these lands are in the possession of the Panchayat and irreparable loss and injury would be caused if it is deprived of the same. Hence an order of Stay be issued.

Petitioner further prays for the various orders as prayed for in the petition.

Bangalore,
Dt. 14-5-1963

Deponent.

" COPY "

CHIEF CONSERVATOR OF FORESTS.

DVP/

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

Sub: Authorisation of the Advocate-General for Mysore to appear in writ petition No. 808/63 on the file of the High Court of Mysore

Ref: Letter No.1582/P- Civil, dated 6.6.1963 from the Registrar, High Court of Mysore, forwarding for service and return notice inoriginal and duplicate in writ petition No.808 of 1963 on the file of the High Court of Mysore (The Town Panchayet Committee Ainapur Vs. The State of Mysore and two others).

MYSORE GOVERNMENT SECRETARIAT
NO. 5077/63
22 JUN 1963
FOREST BRANCH

ORDER NO. LAW 808 LNP 63

Bangalore, Dated 19th June 1963.

The Advocate-General for Mysore is authorised to appear before the High Court of Mysore, on behalf of the respondents viz., 1. the State of Mysore by its Chief Secretary to Government, Bangalore and the Chief Conservator of Forest, Bangalore inthe above writ and stay petition and oppose the same.

The Chief Conservator of Forests, Bangalore is requested to furnish to the Agriculture and Forests Department Bangalore with all particulars and records required in this behalf.

BY ORDER AND IN THE NAME OF THE
GOVERNOR OF MYSORE

(C. GOVINDA RAJU)
DEPUTY SECRETARY TO GOVERNMENT
LAW DEPARTMENT.

MYSORE GOVT. SECRETARIAT
No. 8
21 JUN 1963
AGRL. & FOREST DEPARTMENT SECTION

THE Advocate-General for Mysore, Bangalore with duplicate notice and copies of petition and affidavit.

The Chief Conservator of Forest, Bangalore.

The Accountant-General for Mysore, Bangalore.

Copy to the Agriculture and Forest Department with a copy of the petition and affidavit.

Copy to the Development and Rural Local Administration Department Bangalore for information.

.....

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Under Article 226 of the Constitution of India

Writ Petition No.808 of 1963

Between

The Town Panchayat Committee, Ainapur, by its Chairman, S.B.Ganiger, of Aniapur District Belgaum — Petitioner

And

1. The State of Mysore by its Chief Secy. Bangalore.

2. The Chief Conservator of Forest Bangalore.

3. The Krishna Kittur Sahakari Samudayak Besaya Sangha Niyamit Krishna Kittur, District Belgaum.

— Respondents.

---

1. The address of the petitioner for service of all notices and processes is that of his Advocate, Sri H.B. Datar, 'Saikrupa' No.6/1 Kumarapark, West Extensions, Bangalore 20.

II. The address of the respondents is given inthe cause title.

3. For the reasons stated and sworn to in the accompanying affidavit, petitioner most humbly prays that this Hon'ble Court in the exercise of its jurisdiction under Article 226 of the Constitution of India be pleased to

(a) Quash by the issue of a writ of certiorari or other appropriate writ, order or direction the order No.AFD 42 FGL 63 dated 23.2.1963.

(b) issue a writ of prohibition or other appropriate writ prohibiting the taking of any steps in pursuance of the order No.AFD 42 FGL 63 dated 23.2.1963.

(c) issue any otherappropriate writ, order or direction as deemed fit in thecircumstances of the case including awarding the petitioner the costs of this petition.

IV That petitioner, further prays that pending the hearing and final disposal of this writ petition, the order No. AFD 42 FGL 63 dated 23.2.1963 and any further proceedings thereto be stayed in the interest of justice.

Sd/-
Advocate for the petitioner.

AFFIDAVIT

Herein, I Sri Siddappa Balappa Ganiger, age about 48 years, Ainapur, do hereby solemnly affirm and state as under:-

1. I am the Chairman of the Town Panchayet Committee of Ainapur District Belgaum, the Committee has passed a resolution and I have been duly authorised to file this writ petition. Hence I am filing this writ Petition.

2. Under the provision of the Bombay village panchayet Act, Act No.VI of 1933, a village Panchayet was established for the village of Ainapur. The Administrative powers and duties of the Panchayet are stated in section 26 and 26A provides for discretiary powers and duties. Section 26(f) provides for the maintenance and regulation of the use of the public buildings, grazing lands, forest lands (includings lands assigned under section 28 of the Indian Forest Act 1927), tanks and wells,vesting in and under the control of the panchayet. That is why section: 28-B provided that the state Govt. may subject to such conditions, and restrictions as it may think fit to improve, vest in the panchayet, open sites, wastage vacant or grazing lands or any other property inthe village vesting in the Government. The Village Panchayet being a body cooperative was also by issue of section 29 of the Act competent to hold property both movable and immoveable whether with or without the limits of the village over which it has authority and that it was competent to lease, sell, etc. the moveable or immoveable property which has become vested in or by adquired by it. Further section 30 provided that allthe property vested in the panchayet has to be applied subject to this provision of the Act.

3. The Government of Bombay in their order letter No.4623/1992, dated 10.2.1950 assigned an area measuring 921 acres and 15 guntas and clased as 'D' in Ainapur village for the grazing of thecattle and this order was issued under section 38 of theBombay Land Revenue Code It may be mentioned that from times immorial these lands measuring 921 acres and 15 guntas was being used by the Village Community of Ainapur for the grazing of cattle. The lands now in dispute namely S.No.526 and 527 and are 2 of thesaid lands meant and reserved for grazing purposes.

4. In accordance with section 288 of the Bombay Village Panchayet ACT? THE Government of Bombay issued an order vesting all these lands in the village panchayets A true copy of the said order is filed herewith. Accordingly the lands now in dispute namely S.No.526-527 which are all grazing lands vested inthe village pancyaet. Therefore the rights of the Government visavis the panchayet are governed by the terms of the Government

order. It may be noted that there has not breach committed and hence they were not liable to be remined by the Government.

5. However on 23.2.1963 the Govt. of Mysore passed an order granting sanction to the release of 40 acres of the lands in S.Nos. 526 - 527 of Ainapur Village in favour of the Harijan of Krishna Kuttur village in favour of the Harijan of Krishna Kittur vill ge on Hangani lagan basis and the Chief Conservator of Forest was directed to take further action in the matter. In accordance with theorder further action is preferred tobe taken. Petitioner having exhaustdd all the remedies and their being now no o her remedy is approaching this Hon' ble Court for relief. Petitioner submits that theorder is liable tobe quashed for the various reasons set out in this affidavii.

6. That it is undisputed that these lands along with others have vested in the panchayet and are in their possession. Even then none of the authorities or the Government gave any opportunity to the petitioner to submit their say in the matter. Petitioner's case is that by virtue of the provisions of the Act, it has become vested in them and it isnot competent for theauthorities to take action, as it is the property of the panchayet, Therefore even though valuable rights to the property of the panchayet was in question, it was not heard and the entire proceedings have been carried on behind the back of the pancyayet and thisorder has been passed. Hence petitioner submits that the order liable to be quashed, as it offends the principles of natural justice.

7. That petitioner submits that it has been totally overlooked that these lands along with other lands have leased to be forest lands, as per the order of the Government of Bombay in No. letter 4623/1922, dated 10.2.1950 and they have been expressly reserved for grazing of thecattle. Therefore the order passed and proceedings taken on thebasis of that there are forest lands is clearly wrong. Hence the ~~xxxx~~ order is liable to be quashed on this grounds.

8. Under the provisions of the Bombay village panchayet Act it is the obligatory duty of the panchayet to look to the maintenance of the grazing lands, forest lands (including the lands assigned under Sec.28 of the Forest Act). That is why under Section 28.B of the Act provision was made enableing the Government to vest the panchayets the lands vested in it. Accordingly an order has been issued vesting the lands in the panchayet and the panchayet having committed no breach of any terms, it was not competent for the Government to take the land from the panchayet. The order is clearly beyond its powers.

It may be also noted that under the Mysore Act 10 of 1959, a Town panchayet has been estblished for the village and it is provided by section 242 proviso (f) that all the assests etc., of the panchayet under the repealed Act develves on the panchayet continued under the Mysore Act. so the property vested in the Ainapur village panchayet has now vested in the Ainapur Town panchyet and rights remain unaffected. In the Mysore Act 10/59, Section42(m) provides for similar duties and Section 49(2) and (2) regarding vesting of thelands. It may also be seen that Section 49(2) of the Act only provides for passing order for resuming anyproperty vested inthe Panchayet under

A 8 F.

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section 49(1) of theAct, and as inthe present case it has not vested under Section 49(1) the Government has incompetent to order resumption.

10. It may be noted that as regards a similar land R.S.No.333 of Ainapur comprising 144 acres and 27 guntas classified as Village Forest and used as a grazing lands, which was also vested in this panchayet in pursuance of the order of the Government in 1950, the Ugarkhord Sugar Works Ltd., was granted permission by Collector for laying a pipe line in the said land and as the said Co., cut a few trees etc., a suit for injunction was filed. Then in C.A.No.311/1954, the Extra Assistant Judge, at Belgaum, held that this lan admittedly a forest or grazing land which was the property of the Government under Section 37 of theland Revenue Court was vested in the Panchayet of Ainapur under section28(b) of the Act and the Government had no right whatever and so on 6.7.1955 an injunction was issued. As hasbeen stated the ordersof 1950 and 1954 clearly and unequally affirm that thelands have vested in the panchayet and so the order nowissuedis illegal.

11. It may be also be seen that the panchayet has also planned (Form Forestry') in these S.Nos. and on 3.1.1963 theChief Executive officer has approved the same. The Government has also granted subsidy towards the said scheme. It is thus evident these lands are in the possession of the panchayet and irreparable loss and injury would be caused if it is deprived of the same. Hence an order of stay be issued.

Petitioner further prays for the valours orders as prayed for in thepetition.

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub: Authorisation of the Advocate-General for Mysore to appear in writ petition No. 808/63 on the file of the High Court of Mysore

Ref: Letter No.1582/P- Civil, dated 6.6.1963 from the Registrar, High Court of Mysore, forwarding for service and return notice inoriginal and duplicate in writ petition No.808 of 1963 on the file of the High Court of Mysore (The Town Panchayat Committee Ainapur Vs. The State of Mysore and two others).

6987

MYSORE GOVERNMENT SECRETARIAT NO. 5353/63 5 - JUL 1963 FOREST BRANCH

ORDER NO. LAW 808 LAP 63

Bangalore, Dated 19th June 1963.

The Advocate-General for Mysore is authorised to appear before the High Court of Mysore, on behalf of the respondents viz., 1. the State of Mysore by its Chief Secretary to Government, Bangalore and the Chief Conservator of Forest, Bangalore inthe above writ and stay petition and oppose the same.

The Chief Conservator of Forests, Bangalore is requested to furnish to the Agriculture and Forests Department Bangalore with all particulars and records required in this behalf.

21/6/63

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MYSORE

(G. GOVINDA RAJU)
DEPUTY SECRETARY TO GOVERNMENT
LAW DEPARTMENT.

MYSORE GOVT. SECRETARIAT No. 3427 22 JUN 1963 DEV. & R.L.A. DEPT. (VILLAGE PANCHAYAT)

MYSORE GOVT. SECRETARIAT No. 594 1 JUL 1963 AGRL. & FOREST DEPT. (APPAL SECTION)

The Advocate-General for Mysore, Bangalore with duplicate notice and copies of petition and affidavit.

The Chief Conservator of Forest, Bangalore.

The Accountant-General for Mysore, Bangalore.

Copy to the Agriculture and Forest Department with a copy of the petition and affidavit.

Copy to the Development and Rural Local Administration Department Bangalore for information.

C.R.

Re writ Petition is against the GO No ~~AFF~~ AD 42 FOR 63 by 23/2/63 and hence this may be transferred to A & F Dept)

A & F)

28/6

10/3/63

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Under Article 226 of the Constitution of India

Writ Petition No.208 of 1963

Between

The Town Panchayat Committee, Ainapur, by its Chairman, S.B.Ganiger, of Ainapur District Belgaum — Petitioner

And

1. The State of Mysore by its Chief Secy. Bangalore.

2. The Chief Conservator of Forest Bangalore.

3. The Krishna Kittur Sahakari Samudayak Besaya Sangha Niyamit Krishna Kittur, District Belgaum.

— Respondents.

---

1. The address of the petitioner for service of all notices and processes is that of his Advocate, Sri H.B. Datar, 'Saikrupa' No.6/1 Kumarapark, West Extensions, Bangalore 20.

II. The address of the respondents is given inthe cause title.

3. For the reasons stated and sworn to in the accompanying affidavit, petitioner most humbly prays that this Hon'ble Court in the exercise of its jurisdiction under Article 226 of the Constitution of India be pleased to

(a) Quash by the issue of a writ of certiorari or other appropriate writ, order or direction the order No.AFD 42 FGL 63 dated 23.2.1963.

(b) issue a writ of prohibition or other appropriate writ prohibiting the taking of any steps in pursuance of the order No.AFD 42 FGL 63 dated 23.2.1963.

(c) issue any othera propriate writ, order or direction as deemed fit in thecircumstances of the case including awarding the petitioner the costs of this petition.

IV That petitioner, further prays that pending the hearing and final disposal of this writ petition, the order No. AFD 42 FGL 63 dated 23.2.1963 and any further proceedings thereto be stayed in the interest of justice.

Sd/-
Advocate for the petitioner.

AFFIDAVIT

Herein, I Sri Siddappa Balappa Ganiger, age about 48 years, Ainapur, do hereby solemnly affirm and state as under:-

1. I am the Chairman of the Town Panchayet Committee of Ainapur District Belgaum, the Committee has passed a resolution and I have been duly authorised to file this writ petition. Hence I am filing this writ Petition.

2. Under the provision of the Bombay village panchayet Act, Act No.VI of 1933, a village Panchayet was established for the village of Ainapur. The Administrative powers and duties of the Panchayet are stated in section 26 and 26A provides for discretiary powers and duties. Section 26(f) provides for the maintenance and regulation of the use of the public buildings, grazing lands, forest lands (includings lands assigned under section 28 of the Indian Forest Act 1927), tanks and wells, vesting in and under the control of the panchayet. That is why section: 28-B provided that the state Govt. may subject to such conditions, and restrictions as it may think fit to improve, vest in the panchayet, open sites, wastage vacant or grazing lands or any other property inthe village vesting in the Government. The Village Panchayet being a body cooperative was also by issue of section 29 of the Act competent to hold property both movable and immoveable whether with or without the limits of the village over which it has authority and that it was competent to lease, sell, etc. the moveable or immoveable property which has become vested in or by adquired by it. Further section 30 provided that allthe property vested in the panchayet has to be applied subject to this provision of the Act.

3. The Government of Bombay in their order letter No.4623/1992, dated 10.2.1950 assigned an area measuring 921 acres and 15 guntas and clased as 'D' in Ainapur village for the grazing of thecattle and this order was issued under section 38 of theBombay Land Revenue Code It may be mentioned that from times immorial these lands measuring 921 acres and 15 guntas was being used by the Village Community of Ainapur for the grazing of cattle. The lands now in dispute namely S.No.526 and 527 and are 2 of thesaid lands meant and reserved for grazing purposes.

4. In accordance with section 238 of the Bombay Village Panchayet ACT? THE Government of Bombay issued an order vesting all these lands in the village panchayets A true copy of the said order is filed herewith. Accordingly the lands now in dispute namely S.No.526-527 which are all grasing lands vested inthe village pancyaet. Therefore the rights of the Government visavis the panchayet are governed by the terms of the Government

order. It may be noted that there has not breach committed and hence they were not liable to be remined by the Government.

5. However on 23.2.1963 the Govt. of Mysore passed an order granting sanction to the release of 40 acres of the lands in S.Nos. 526 - 527 of Ainapur Village in favour of the Harijan of Krishna Kuttur village in favour of the Harijan of Krishna Kittur vill ge on Hanguni lagan basis and the Chief Conservator of Forest was directed to take further action in the matter. In accordance with theorder further action is preferred tobe taken. Petitioner having exhausted all the remedies and their being now no other remedy is approaching this Hon' ble Court for relief. Petitioner submits that theorder is liable tobe quashed for the various reasons set out in this affidavit.

6. That it is undisputed that these lands along with others have vested in the panchayet and are in their possession. Even then none of the authorities or the Government gave any opportunity to the petitioner to submit their say in the matter. Petitioner's case is that by virtue of the provisions of the Act, it has become vested in them and it isnot competent for theauthorities to take action, as it is the property of the panchayet. Therefore even though valuable rights to the property of the panchayet was in question, it was not heard and the entire proceedings have been carried on behind the back of the panchayet and thisorder has been passed. Hence petitioner submits that the order liable to be quashed, as it offends the principles of natural justice.

7. That petitioner submits that it has been totally overlooked that these lands along with other lands have leased to be forest lands, as per the order of the Government of Bombay in No. letter 4623/1922, dated 10.2.1950 and they have been expressly reserved for grazing of thecattle. Therefore the order passed and proceedings taken on thebasis of that there are forest lands is clearly wrong. Hence the order is liable to be quashed on this grounds.

8. Under the provisions of the Bombay village panchayet Act it is the obligatory duty of the panchayet to look to the maintenance of the grazing lands, forest lands (including the lands assigned under Sec.28 of the Forest Act). That is why under Section 28.B of the Act provision was made enableing the Government to vest the panchayets the lands vested in it. Accordingly an order has been issued vesting the lands in the panchayet and the panchayet having committeed no breach of any terms, it was not competent for the Government to take the land from the panchayet. The order is clearly beyond its powers.

It may be also noted that under the Mysore Act 10 of 1959, a Town panchayet has been estblished for the village and it is provided by section 242 proviso (f) that all the assests etc., of the panchayet under the repealed Act develves on the panchayet continued under the Mysore Act. so the property vested in the Ainapur village panchayet has now vested in the Ainapur Town panchyet and rights remain unaffected. In the Mysore Act 10/59, Section42(m) provides for similar duties and Section 49(2) and (2) regarding vesting of thelands. It may also be seen that Section 49(2) of the Act only provides for passing order for resuming anyproperty vested inthe Panchayet under

section 49(1) of theAct, and as inthe present case it has not vested under Section 49(1) the Government has incompetent to order resumption.

10. It may be noted that as regards a similar land R.S.No.333 of Ainapur comprising 144 acres and 27 guntas classified as Village Forest and used as a grazing lands, which was also vested in the panchayet in pursuance of the order of the Government in 1950, the Ugarkhord Sugar Works Ltd., was granted permission by Collector for laying a pipe line in the said land and as the said Co., cut a few trees etc., a suit for injunction was filed. Then in C.A.No.311/1954, the Extra Assistant Judge, at Belgaum, held that this lan admittedly a forest or grazing land which was the property of the Government under Section 37 of theland Revenue Court was vested in the Panchayet of Ainapur under section28(b) of the Act and the Government had no right whatever and so on 6.7.1955 an injunction was issued. As hasbeen stated the ordersof 1950 and 1954 clearly and unequally affirm that thelands have vested in the panchayet and so the order nowissuedis illegal.

11. It may be also be seen that the panchayet has also planned (Form Forestry') in these S.Nos. and on 3.1.1963 the Chief Executive officer has approved the same. The Government has also granted subsidy towards the said scheme. It is thus evident these lands are in the possession of the panchayet and irreparable loss and injury would be caused if it is deprived of the same. Hence an order of stay be issued.

Petitioner further prays for the vaiours orders as prayed for ~~xxx~~ in thepetition.

GOVERNMENT OF MYSORE

OFFICE OF THE ADVOCATE-GENERAL
FOR MYSORE,

No. Bangalore-1, dated 24th Jan. 4 196

FROM

The Advocate-General for Mysore,
Bangalore.

To

The Deputy Secretary & Solicitor to Government,
Law Department, Vidhana Soudha,
BANGALORE.

SIR,

Sub: W.P. 808/63 (Ainapur Panchayat Vs. The State & others).

The above Writ Petition was heard and allowed with no order as to costs. It relates to grant of land to a Co-operative Society formed by Harijans. The lands in question are F.S. Nos. 525, 526 and 527 in Ainapur.

The contention of the petitioner was based on notification issued by the Bombay Government in June, 1950 under Section 28-B of the Bombay Village Panchayets Act. His further contention was that all grazing lands had vested in the Panchayet and as such he was entitled to be heard in the matter before the Government before divesting the lands in question by the impugned order or orders. It was contended on behalf of the State that they were not grazing lands but in fact were forest lands and as such they had not vested in the Panchayet, assuming there were such orders vesting grazing lands were in force.

The Honourable Court directed that the Govern- should hear the petitioner and the grantee - respondents on this and other issues and pass orders in accordance with law. It was also hoped that the matter would be dealt with expeditiously.

I have sent herewith the records along with the copies of the orders of Bombay Government furnished by the petitioner for reference. I shall forward the free copy of the order as soon as it is made available by the High Court.

The matter may please be treated as URGENT.

Yours faithfully,

(B. Venkataswami)
HIGH COURT GOVT. PLEADER

Copy to:

1) The Chief Conservator of Forests in Mysore, Bangalore;
2) The Secretary to Government, Agriculture & Forest Department, Vidhana Soudha, Bangalore

FOR INFORMATION.

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SECRETARIAT 393/F/A 5 JAN 1964 39 FB 69 DEPT (REGISTRY) No. 65 35/63-64

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May be filed after perusal.

18/3/64

19/3

Please await the receipt of the file from L.D.

19/3/64

(T. S. RAMAIYA)
Under Secretary to Government,
Agriculture & Forest Department.